

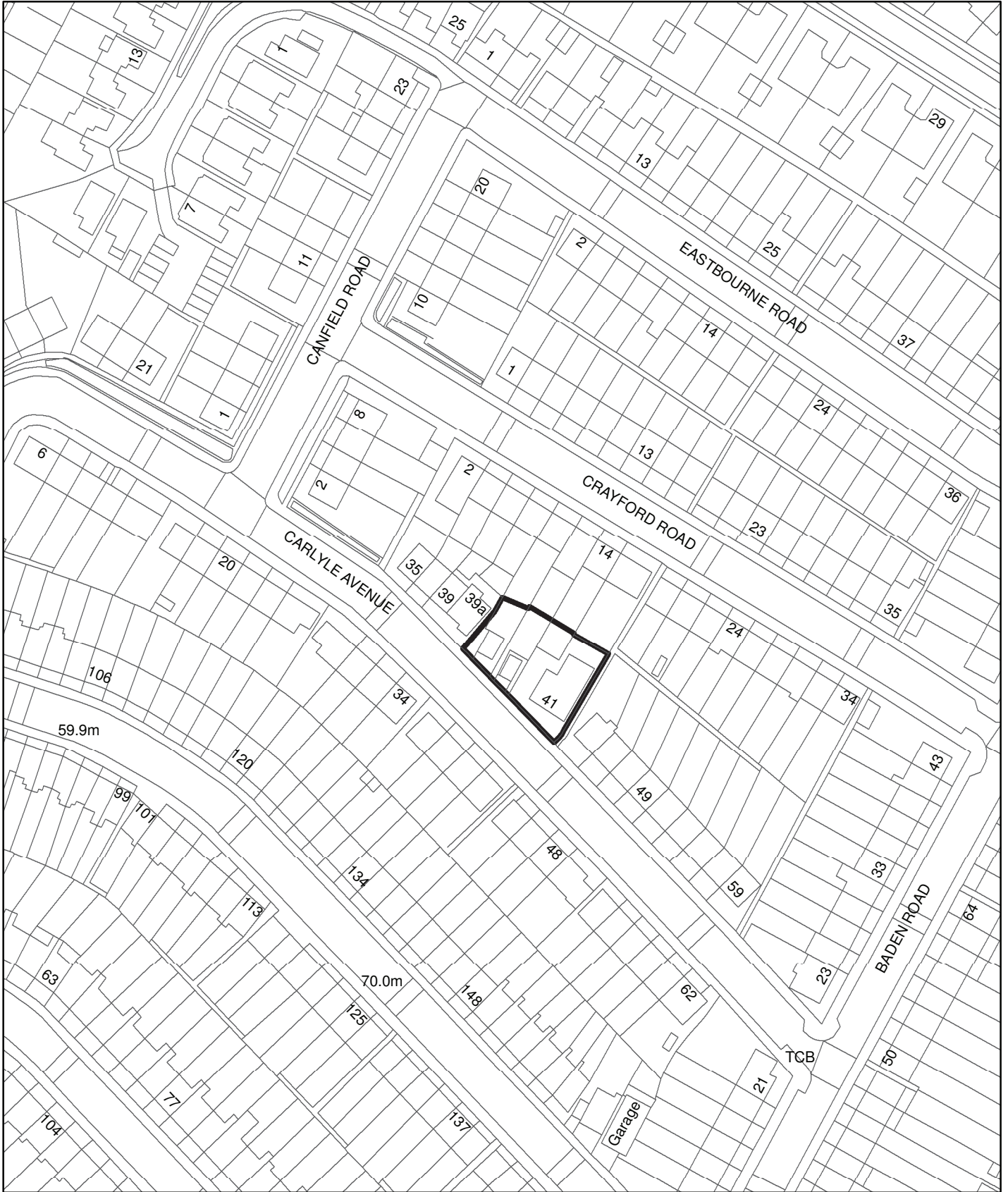
**PLANS LIST  
ITEM C**

**41 Carlyle Avenue, Brighton**

**BH2012/03550  
Full planning consent**

**20 FEBRUARY 2013**

# BH2012/03550 41 Carlyle Avenue, Brighton.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2012/03550</b>	<b><u>Ward:</u></b>	<b>MOULSECOOMB &amp; BEVENDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>41 Carlyle Avenue, Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing house and erection of a terrace of 3no three bedroom houses with associated landscaping and cycle storage.</b>		
<b><u>Officer:</u></b>	Sue Dubberley Tel 293817	<b><u>Valid Date:</u></b>	16/11/2012
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	11/01/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Canning Ericsson Ltd, Pakyns Garden Cottage, Albourne Road, Hurstpierpoint, Hassocks, West Sussex		
<b><u>Applicant:</u></b>	Joshua Charles Developments Ltd, Parsons Garden Cottage, Albourne Road, Hurstpierpoint, Hassocks, West Sussex		

## 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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a detached house, located on the north side of Carlyle Avenue. Land levels rise steeply to the north and east. To the north of the site are the rear gardens of properties in Crayford Road.
- 2.2 The surroundings area is residential comprising terraced properties of similar style and design. There is an existing terrace of new properties adjacent to the west of the site which front onto Carlyle Avenue, built on the former rear gardens of properties in Crayford Road.

## 3 RELEVANT HISTORY

**BH2010/03506:** (Land to Rear of 10/12 Crayford Road) Erection of three storey residential dwelling comprising of two 2no bedroom and two 1no bedroom units with associated landscaping and access from Carlyle Avenue. Approved 18/01/2011

**BH2010/01211:** (Land to Rear of 10/12 Crayford Road) Erection of 2no three bed two storey dwelling houses. Approved 30/07/2010.

**BH2008/01050:** (Land rear of 8 Crayford Road) Proposed construction of two 2 bedroom flats on two storeys with habitable roof space attached to number 39 Carlyle Avenue. Approved 05/06/2008.

**BH2007/03842:** (Land rear of 8 Crayford Road) Construction of a three bedroom house on two storeys with habitable roof space and attached to 39 Carlyle Avenue. Approved 14/02/2008.

**BH2004/03781/FP** (Land rear of 2-6 Crayford Road) Erection of a terrace of three dwelling houses. Approved 08/02/2005.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing house and erection of a terrace of 3no three bedroom two storey houses with associated landscaping and cycle storage.
- 4.2 The design of the three houses is of a traditional design and reflects that of the existing development in the street with rendered front elevation, bay fronts and tiled pitched roofs proposed.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours:** 12 letters of representation have been received from **16 Crayford Road, 38, 39e, 42, 43, 44, 45, 49, 48, 50, 51 Carlyle Avenue**, objecting to the application for the following reasons:
- Increase in traffic and parking where parking is at a maximum in the street.
  - Parking is already made problematic by the presence of large speed bumps complicating parking on the street.
  - Loss of light.
  - Overshadowing and loss of outlook.
  - Too many new houses in the area is used for student housing. More three bedroom boxes means more students and more noise and disruption

##### **Internal:**

- 5.2 **Access Officer:** Comment: The gradients of the entrance paths seem relatively good given the difficult site levels but it would also be useful to have confirmation that the steps from the street will be to ambulant disabled standard and that suitable handrails will be provided. No bathroom fittings have been shown but the spaces appear large enough to be able to provide a suitable layout. Confirmation should be obtained that suitable drainage will be provided in the entrance level bathrooms to enable the future provision of a level entry shower in any unit.
- 5.3 **Sustainable Transport:** Support: No objections to this application subject to the inclusion of the necessary conditions on any permission granted.

#### **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);

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- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006);
  - Brighton and 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
TR2	Public transport accessibility and parking
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 - full and effective use of sites
QD5	Design - street frontages
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 Notes

SPGBH 4: Parking Standards

#### Supplementary Planning Documents

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design

#### Planning Advice Notes

PAN03	Accessible Housing and Lifetime Homes
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main issues of consideration in the determination of this application are the principle of residential development on the site, the standard of accommodation, the visual impact of the new building, the proposed impact on neighbouring amenity and future occupiers of the proposed development, traffic issues and sustainability issues.

### **Principle of development**

- 8.2 The principle of development in the rear gardens of properties in Crayford Road has also been established by the existing terrace of houses where permission was granted for a terrace of three houses on land rear of 2-6 Crayford Road in 2005, which front onto Carlyle Avenue and approval for an additional house attached to the terrace on land rear of 8 Crayford Road was then granted in 2008. More recently permission was granted for a flat development on the land immediately adjacent to the site, on land to Rear of 10/12 Crayford Road (BH2010/03506), which has been constructed and has a frontage onto Carlyle Avenue immediately adjacent to the west side of the application site.

### **Design:**

- 8.3 The design of the three houses closely reflects that of the existing development, traditional two storey houses with bay fronts and tiled pitched roofs. The current application also has additional solar panels on the front roof slope. The Design and Access Statement confirms that the same materials are proposed as the adjoining development to the west, tiled roof with rendered walls and tile hanging to the front bays. The footprint of the dwelling would be comparable to the adjoining terrace maintaining the established front building line. The proposed plot is of adequate size to accommodate the resultant dwelling without appearing cramped or overdeveloped. The design, mass and scale are therefore sympathetic to the existing development in the street and this aspect of the proposal is considered acceptable.

### **Standard of accommodation**

- 8.4 The development would create three, three bedroom houses with adequate room sizes, outlook and natural light throughout. Each house would have garden areas to the front and rear which would provide sufficient usable outdoor space for future occupants in accordance with the aims of local plan policy HO5. The plans show compliance with lifetime homes standards in terms of doorway widths and flush entrances. A condition is recommended to ensure the dwellings are built to lifetime home standards. The standard of accommodation is therefore considered acceptable.

### **Impact on Amenity**

- 8.5 It is not considered that additional residential units on this site would lead to a significant level of noise and disturbance beyond that which is experienced in the area already. In that respect the proposed development is considered to be in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 8.6 Given the siting of the proposed dwellings in relation to properties in Crayford Road, the change in ground levels and the distance that will be retained, the



new houses would be sited some 22m and 24m from the rear walls of properties in Crayford Road, it is considered that there would not be significant harm by way of overlooking or loss of privacy.

- 8.7 The rear windows would overlook neighbouring gardens; this would be no worse than the existing situation whereby neighbours already overlook each others gardens at this angle and some overlooking of neighbouring gardens is to be anticipated in a residential area such as this. Furthermore the relationship between properties in Crayford Road and Carlyle Avenue has already been assessed and considered to be acceptable when planning permission was granted for the erection of the adjacent development.
- 8.8 There is an end of terrace house adjacent to the site to the east; however the flank walls of the new houses on this side south-east elevation would have no windows. There would be distance of between 4.4 and 4.7m between the side wall of No.43 and the side wall of the new houses which is considered acceptable. It is noted that the footprint of the new houses would also be set further back from the rear boundary than the existing house by between 4m to 5.6m m to line up with existing development in the street, which is an improvement over the existing situation.

**Sustainable Transport:**

- 8.9 Brighton and Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered cycle parking facilities for residents.
- 8.10 No parking spaces are included in the scheme however on street parking is available as there are no parking restrictions in the street. An area in the front garden is shown for secure cycle storage.

Car Parking

- 8.11 The objections received regarding parking problems arising from the development are noted , however the Traffic Engineer has no objection to the application and has commented that, SPG04 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The applicant is not proposing any on-site car parking spaces and therefore the proposed level of car parking is in line with the maximum standards and deemed acceptable.
- 8.12 Any proposed overspill car parking is not considered to cause a negative highway impact. The Moulsecoomb and Bevendean Ward has relatively low levels of car ownership. 36% of households do not own a car compared to the South East average of 19%, while 45% of households in this area only own 1 car. The potential overspill car parking from this development is therefore not considered to warrant a reason for refusal.

Cycle Parking

- 8.13 The plans show bike stores to the front of each property. The proposed location is considered acceptable given it is easily accessible at the front of the property,

via a ramp. Further details in relation to the nature of the store are recommended via an appropriate condition.

Vehicle Crossover

- 8.14 The Traffic Engineer has recommended that the existing crossovers in front of the property are reinstated back to footway and a condition to this effect forms part of the recommendation. The reinstatement of footway will ensure the development will be in accordance with policy TR8 (Pedestrian Routes) of the Brighton & Hove Local Plan, by providing short, safe, attractive and direct routes for walking.

**Sustainability:**

- 8.15 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. SPD08 – Sustainable Building Design requires the scheme to meet Code Level 3 of the Code for Sustainable Homes (CSH). The applicant is also required to submit a Sustainability Checklist.
- 8.16 A sustainability check list has been submitted which states that high levels of insulation along with technologies such as photovoltaics would be used to achieve CSH Code Level 4. While the intention to achieve a higher code level than required by SPD08 is welcomed, a condition is included in the recommendation to secure Code Level 3, in line with the requirements of SPD08.
- 8.17 Policy SU13 and Supplementary Planning Document 03 'Construction and Demolition Waste' both seek to reduce construction waste and require, as best practice, a Waste Minimisation Statement (WMS) demonstrating how elements of sustainable waste management have been incorporated into the scheme. A WMS has been submitted demonstrating that there are no reasons why waste would not be minimised during demolition and construction.

**Other Considerations:**

- 8.18 Some of the objections received have expressed concerns that the houses may be rented to student however this is not a planning consideration.

**9 CONCLUSION**

- 9.1 The proposed dwellings could be adequately accommodated without detriment to the character and appearance of this site or the surrounding area. The property would not appear cramped and the amenity space provided is considered appropriate to the scale of the development proposed. Furthermore there would be no significant harm to neighbouring amenity.

**10 EQUALITIES**

- 10.1 The plans show compliance with lifetime homes standards in terms of doorway



widths and bathroom sizes and a condition is recommended to ensure the dwellings are built to lifetime home standards.

## 11 CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Ground Plan	5102/01		08/11/12
Floor Plans	5102/02		08/11/12
Elevations	5102/03		08/11/12
Site plan and sections	5102/04		08/11/12
Existing plans and elevations	5102/05		08/11/12

- 3) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

### 11.2 Pre-Commencement Conditions:

- 4) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 5) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 6) No residential development shall commence until:

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- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

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

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

### 11.3 Pre-Occupation Conditions:

- 8) None of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

- 10) Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossover in front of the development back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

**Reason:** In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.

- 11) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons

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

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

### 11.4 Informatives:

1. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-

The proposed dwellings could be adequately accommodated without detriment to the character and appearance of this site or the surrounding area. The property would not appear cramped and the amenity space provided is considered appropriate to the scale of the development proposed. Furthermore there would be no significant harm to neighbouring amenity.
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.
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).

