

**PLANS LIST
ITEM D**

**108 Preston Drove & 193 Havelock Road,
Brighton**

**BH2012/02586
Full planning consent**

20 FEBRUARY 2013

BH2012/02586 108 Preston Drive & 193 Havelock Road, Brighton



**Brighton & Hove
City Council**



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<u>No:</u>	BH2012/02586	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	193 Havelock Road and 108 Preston Drive, Brighton		
<u>Proposal:</u>	Demolition of existing outbuildings and erection of 1no two bed house fronting Havelock Road. Additional alterations including a new communal entrance and window to flats at 108 Preston Drive.		
<u>Officer:</u>	Anthony Foster, Tel: 294495	<u>Valid Date:</u>	04/12/2012
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	29/01/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Garrick & Team, 36 Edburton Avenue, Brighton		
<u>Applicant:</u>	Mr M Shah, 218 Ditchling Road, Brighton		

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 application site relates to a two storey, Victorian end of terrace property with accommodation in the roof, located on the south side of Preston Drive at its corner with Havelock Road, and as such its return frontage is onto Havelock Road. A number of junctions in the area are similar in character, particularly where a commercial unit fronts onto Preston Drive. Where this relationship occurs there is significant spacing at 1st floor level between the properties which front onto Preston Drive and the flank elevations of the properties to the rear. Visual relief is also provided along Preston Drive whereby the main elevation of the corner property fronts onto the minor road off Preston Drive.
- 2.2 The ground floor of 108 Preston Drive is currently an A1 retail unit which forms part of a Local Parade. Above the commercial property at first floor and roof level is residential accommodation in the form of flats.
- 2.3 The wider area is predominately residential, with the exception of the Local Parade, and comprises two storey terraced and semi detached Edwardian and Victorian housing.
- 2.4 The site is located within the Preston Park Conservation Area.

3 RELEVANT HISTORY

193 Havelock Road

BH2007/02992: Demolition of existing store room and construction of a two storey, two bedroom attached dwelling house with roof terrace. Also minor

amendments to adjacent building to include new entrance to existing flats and new first floor window. Refused on 13/03/2008 due to the negative impact on the character and appearance of the Preston Park Conservation Area, in particular the loss of the historic gap between corner properties as well as bulk, scale and design issues together with impact on amenity and lack of a viable retail unit.

BH2004/02814/FP: Construction of new dwelling house at side of no.108 Preston Drove. Refused 10/11/04.

94 Preston Drove

BH2011/02721: Conversion of existing residential unit and part of existing retail unit (A1) into 5no one and two bedroom flats including demolition of existing garage and erection of two storey extension. Refused 11/11/11 dismissed at Appeal.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing single storey outbuildings and erection of 1no two bed house fronting onto Havelock Road. The application also proposes alterations to the flank return elevation of 108 Preston Drove, including a new communal entrance and window at first floor level.
- 4.2 The proposed new 2 no bed dwelling would replace the existing single storey store to the rear of 108 Preston Drove and be two storeys in height. The development would be read as an extension to the existing outrigger of the property as the proposed materials and finish to match that of the existing building.
- 4.3 The application also proposes a new communal entrance and the installation of a new window at first floor level above the entrance to the flats above the retail unit.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Eleven (11)** letters of representation have been received from 134, Flat 2 136 Beaconsfield Villas, 229 Ditchling Road, 102A (x2), 106A, Preston Drove 109, 119, 156, 176, 189 Havelock Road, objecting to the application for the following reasons:
 - Overshadowing and loss of light to neighbouring amenity space and rooms.
 - Insufficient refuse storage facilities for the commercial unit.
 - Increased parking pressures.
 - The proposal detracts from the character of the conservation area.
 - The extension is out of proportion with the existing property.
 - Loss of outlook.
 - Increased levels of overlooking.
 - The proposal adds to the overcrowding in the area.
 - The application fails to overcome the previous reasons for refusal.

- 5.2 **Seven (7)** letters of representation have been received from **103, First Floor Flat, Top Floor Flat 108, 111 Preston Drive, 130 Havelock Road, 112 Balfour Road, 86 Osborne Road**, supporting the application for the following reason:
- The proposal is of a good design.
- 5.3 **The Brighton Society:** Object: The proposal would result in significant loss of light and have an overbearing impact upon 191 Havelock Road. The proposal would infill the gap behind 108 Preston Drive, which forms a typical space at the rear of terraced houses of this age and character. The proposal would significantly reduce the space between 108 Preston Drive and 191 Havelock Road adversely affecting the character and appearance of the conservation area.
- 5.4 **Preston and Patcham Society:** Object: The proposal is similar to that which was refused at 94 Preston Drive, for which an appeal has been dismissed due to the adverse effect on the character and appearance of the Conservation Area. There are similar visual breaks in other corner sites nearby which provide valuable relief from the effect of extensive terracing. The application would be contrary to Policy HE6 Local Plan.
- 5.5 **County Archaeologist:** Comment: In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a ***programme of archaeological works***. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF.
- 5.6 **Brighton & Hove Archaeological Society:** Comment: A Neolithic long barrow is believed to have been located along Havelock Road, it is possible that vestiges of an ancient landscape may remain.
- Internal:**
- 5.7 **Heritage:** I note that a scheme with a similar height and footprint was refused in 2008. An application for a similar infill development at 94 Preston Drive was refused on 11th November 2011 and a subsequent appeal was dismissed on 25th September 2012.
- 5.8 The loss of the single storey extension and the shed would be welcome improvements.
- 5.9 However, the proposed extension would almost entirely infill the characteristic gap between the corner building and the first house in Havelock Road, obstructing the view through, albeit that this view is limited.
- 5.10 The close juxtaposition of the extension to the Havelock Road properties results in an abrupt change in height and scale making it look incongruous and poorly related to the Havelock Road frontages.

- 5.11 The extension of the building would detract the character and appearance of the existing building. The rear wing would become overlarge in relation to its main corner block and would cease to be a secondary element. Its combined length would be greater than the length of the main corner block. Its elongated form would also appear unbalanced in relation to the main part of the building.
- 5.12 Moreover the proposal is not well detailed. No window cills are indicated on the drawing and the heads of the windows have soldier course bricks, rather than segmental curved arches formed of tapered gauged brickwork. (The existing first floor window on the rear wing is incorrectly drawn as a soldier course.)
- 5.13 The proposed doors appear too narrow and mean looking and are narrower than the windows above. They lack gauged brick arched heads and are too tall. They should be no taller than the heads of the ground floor windows. There is insufficient information about their design and detailing.
- 5.14 The eaves fascias are drawn as being too deep, but this appears to be an error of measurement and drafting rather than intention. The southernmost ground floor window neither relates to the single sashes on the first floor or to the existing tripartite sash on the ground floor to the north.
- 5.15 A refuse/recycling store and a cycle shed are proposed in the front garden. These would be visually intrusive clutter in the street scene. Council policies normally resist these in front gardens. There is insufficient information on their design and materials or those of the front garden wall.
- 5.16 **Access Officer:** Comment: Given the size of the dwelling it would be highly improbable to comply with all the Lifetime Homes Standards.
- 5.17 **Sustainable Transport:** No objection: Recommended approval, subject to appropriate conditions relating to the provision of cycle parking

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
QD14	Extensions & Alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD08	Sustainable Building Design
SPD09	Architectural Features

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issues for consideration in the determination of this application relate to the design and appearance of the proposal, the impact upon the character of the Preston Park Conservation Area, impact upon neighbouring residential amenity, impact upon the existing retail use, transport, sustainability and construction waste.

Design and conservation area impact

- 8.2 Policies QD1, QD2, QD14 and HE6 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design.

- 8.3 The proposed dwelling would form an extension to the existing building at No. 108 Preston Drive. It has a traditional design, following the eaves and ridgeline of the existing projection to the rear of No. 108. The proposed materials are red brick to the front elevation, white rendered bay, timber painted windows and a tiled roof. The dwelling would be set away from the adjoining western boundary by 0.8m at ground floor level. At first floor level part of the most northerly 2.5m would be away from the boundary by a minimum of 0.8m extending to 1.9m. The proposal would extend from the existing rear wall of No. 108 Preston Drive southwards by 6.5 metres to the southern boundary.
- 8.4 Whilst the proposed design of the extension is in keeping with the traditional design and appearance of the main building, the development would be highly prominent and would be read as an extension to the main building. The overall depth of the two storey element to the rear of the main corner building would be in excess of the depth of the corner building itself. As such, the extension would not be subordinate and would form an excessively sized extension.
- 8.5 The dwelling would infill the gap between the rear of 108 Preston Drive and the flank elevation of 191 Havelock Road, which forms a typical space at the rear of terraced properties of this age and character. A similar proposal at 94 Preston Drive was recently considered by a Planning Inspector at appeal. The inspector considered the impact of the development upon the character and appearance of the surrounding area, in particular the loss of the gap between rear of the property fronting onto Preston Drive and the flank elevation of 115 Beaconsfield villas. He concluded *“the loss of the gap in the street scene and the loss of the view which gives an appreciation, albeit restricted, of the geography of this part of this city would adversely affect the significance of the heritage asset and would have a harmful impact on the character and appearance of the Conservation Area.”*
- 8.6 This proposal is comparable with the scheme considered at appeal as it would also significantly reduce the visible gap between No. 108 Preston Drive and No. 191 Havelock Road. It is therefore considered that the proposal would give a cramped appearance, eliminating existing views across the rear of the site and adversely affecting the character and appearance of the conservation area.
- 8.7 Overall, the proposed design is considered unacceptable, out of character with both the existing main building and the context of the surrounding conservation area. Refusal is recommended on the basis of adverse visual impact upon the existing building, its surroundings, and the character and appearance of the Preston Park Conservation Area.

Standard of accommodation

- 8.8 The proposed internal layout of the dwelling is considered to be acceptable in terms of levels of natural light and ventilation. However policy HO13 of the Local Plan seeks proposals for new dwellings to demonstrate that lifetime homes criteria have been incorporated into the design. No information has been submitted to demonstrate that the proposed layouts would comply with Lifetime Homes Standards; full compliance is required by policy HO13 of the Brighton & Hove Local Plan. It is apparent that the proposed layout fails to provide

compliance on a number of grounds upon which the Councils Access Officer has commented.

- 8.9 Local Plan Policy HO5 seeks the provision of useable private amenity space within a development. The flats located above no. 108 Preston Drove do not benefit from access to private amenity space. However the fact that the only amenity space provided is to the front of the property and that it could not be considered to be of a useable standard is indicative of contrived nature of the proposal and the overdevelopment of the plot. It is acknowledged that the urban grain of the surrounding area is tight knit and it would not be reasonable to expect large garden areas. It is however expected in relation to family size dwellings that some sort of usable private outdoor amenity space be provided.
- 8.10 Overall it is considered that the dwellings proposed would provide a poor standard of accommodation, would be contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan and the application warrants refusal on these grounds. The fact that the development does not provide the minimum standard of accommodation expected is considered to be further evidence that the development proposed is inappropriate and represents overdevelopment.

Impact upon neighbouring properties

- 8.11 The proposed house would be located immediately to the north of No. 191 Havelock Road. That end of terrace property has habitable room windows in the side elevation at ground and first floor level. The proposed dwelling would have a two storey wall approximately 1.8 metres to the north of the flank windows at no. 191. Whilst not completely obscuring these flank elevation windows there is the potential to result in a loss of light and outlook, which would be highly dominant and have an unacceptable impact upon residential amenity of the occupiers of no. 191 Havelock Road
- 8.12 The proposed development is set off the adjoining boundary with no. 106 Preston Drove to the west, and is further set back at first floor level. The development would project along the whole length of the adjoining boundary. The proposal would result in increased overshadowing and loss of sunlight, and an increased sense of enclosure to the detriment of the visual amenity from the occupiers of no. 106 Preston Drove

Sustainability

- 8.13 Policy SU2 which 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 Code level 3 to be achieved for brownfield sites. There is no confirmation that the dwelling would achieve a Code Level 3 rating, conversely there is no indication that the required level could not be met. As such were the scheme otherwise acceptable, a suitably worded condition could control this sustainability issues could be addressed through planning conditions.

Transport issues

- 8.14 The application proposes a new house with no off street car parking. The site does not lie within a Controlled Parking Zone and demand for on street car parking is high. However, the proposal would cause a limited additional on street parking demand and refusal would be difficult to sustain on this basis. As the site lies outside a CPZ, car free housing cannot be secured.
- 8.15 Cycle parking is shown on the floor-plan adjacent to the front boundary wall. The storage shed is not shown on the elevations. On a section drawing though it is shown projecting above the front boundary wall height. Consequently, it could be prominent in the street scene. However, it is felt that the level of cycle parking is acceptable and that any design issues could be adequately addressed by condition if the scheme were otherwise acceptable.

Refuse, recycling and construction waste

- 8.16 A refuse/recycling enclosure for the proposed house is also shown in the front garden area. Its gate is shown opening out over the public footpath, which is unlikely to be acceptable. However, the proposed enclosure is acceptable in principle and the details, could be resolved by condition if the scheme were otherwise acceptable.
- 8.17 The applicant has, however, failed to demonstrate that the proposal would not, by reason of the loss of existing retail storage space, jeopardise the future operation and viability of the retail unit at No. 108 Preston Drove and cause detriment to the visual amenity of the area by reason of inadequate refuse storage and consequent reliance on external storage. Neighbours have raised concerns about current inadequacy of refuse storage for the retail unit. The proposal is likely to exacerbate this by intensifying the use of the retail unit itself and eliminating the current store. It is likely that the shop would rely heavily upon commercial refuse bins, which would be visible from the street and would adversely affect the character and appearance of the area.
- 8.18 A Waste Minimisation Statement has been submitted. The proposal would generate construction waste through the demolition of the existing part of the building on the application site and through the proposed development itself. Details of management of the waste generated could be satisfactorily dealt with by condition, if the scheme were otherwise acceptable

Archaeology

- 8.19 Policy HE12 relates to Scheduled Ancient Monuments and other important archaeological sites. It confirms that development proposals must preserve and enhance sites of known and potential archaeological interest and their settings. If the scheme were otherwise acceptable an Archaeological Watching Brief could be secured by a suitably worded condition.

9 CONCLUSION

- 9.1 The proposed development is considered to represent an inappropriate extension to the detriment of the character of the existing building and the character of neighbouring properties. It would result in the loss of the

characteristic gap between No. 108 Preston Drove and No. 191 Havelock Road and would have an adverse impact on the character and appearance of the Preston Park conservation area. It would also provide a poor level of residential amenity for the future occupiers and have a significant adverse impact upon neighbours through loss of light, and overbearing impact.

10 EQUALITIES

10.1 The proposed dwelling layout does not provide compliance with Lifetime Homes Standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed dwelling, by reason of its design, footprint, depth, materials, and prominent location, would form an unsympathetic and excessively dominant extension to the existing building at No. 108 Preston Drove, which would form an incongruous and visually intrusive element in the street scene that would fill the existing characteristic open space between the rear of No. 108 and the side of No. 191 Havelock Road, detracting from the character and appearance of the Preston Park Conservation Area and represents overdevelopment of the site. As such, the proposal is contrary to policies QD1, QD2, QD3, QD14 and HE6 of the Brighton & Hove Local Plan.
2. The proposed dwelling, by reason of its siting, proximity, height and orientation, would cause significant loss of light and have an overbearing impact upon No. 191 Havelock Road and the rear garden of No. 106 Preston Drove and, as such, is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. The proposed dwelling would provide cramped internal accommodation, which does not comply with Lifetime Homes Standards, and provides insufficient usable private outdoor amenity space for a unit which is suitable for family accommodation. The proposed development is therefore contrary to policies HO5, HO13 and QD27 of the Brighton & Hove Local Plan.
4. The applicant has failed to demonstrate that the proposal would not, by reason of the loss of existing storage space, jeopardise the future operation and viability of the retail unit at No. 108 Preston Drove, cause detriment to the visual amenity of the area by reason of inadequate refuse storage and consequent reliance on external storage, and adversely affect the character and appearance of the area and, as such, the proposal is contrary to policy QD27 and HE6 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
OS Plan & Block Plan	918-01	A	04/12/2012
Photographs Sheet 1 of 2	918-02		22/08/2012
Photographs Sheet 2 of 2	918-03		22/08/2012

PLANS LIST – 20 FEBRUARY 2013

Existing Floor Plan	918-04	A	04/12/2012
Existing Elevations	918-05	A	04/12/2012
Existing Sections	918-06	A	04/12/2012
Proposed Floor Plans	918-07	A	04/12/2012
Proposed Elevations	918-08	A	04/12/2012
Proposed Sections	918-09	A	04/12/2012

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.