

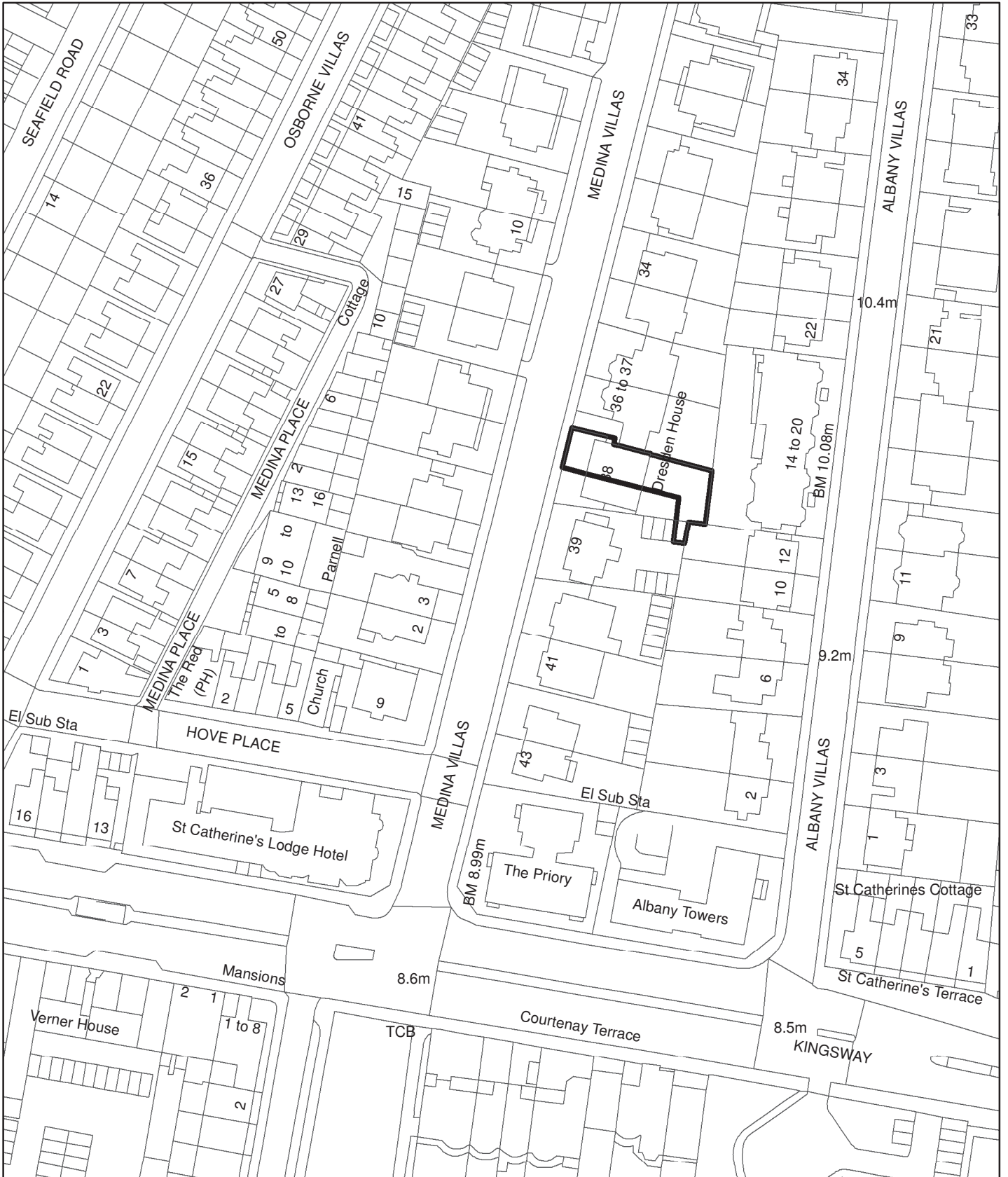
**PLANS LIST  
ITEM F**

**38 Medina Villas, Hove**

**BH2012/00120  
Householder planning consent**

**13 MARCH 2013**

# BH2012/00120 38 Medina Villas, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

|                                      |  |                            |                     |
|--------------------------------------|--|----------------------------|---------------------|
| <b><u>No:</u></b>                    | <b>BH2013/00120</b>  | <b><u>Ward:</u></b>        | <b>CENTRAL HOVE</b> |
| <b><u>App Type:</u></b>              | <b>Householder Planning Consent</b>  |                            |                     |
| <b><u>Address:</u></b>               | <b>38 Medina Villas, Hove</b>  |                            |                     |
| <b><u>Proposal:</u></b>              | <b>Alterations to front boundary wall including installation of matching pier to form access to new parking space.</b> |                            |                     |
| <b><u>Officer:</u></b>               | Guy Everest, Tel: 293334   | <b><u>Valid Date:</u></b>  | 11/01/2013          |
| <b><u>Con Area:</u></b>              | Cliftonville   | <b><u>Expiry Date:</u></b> | 08/03/2013          |
| <b><u>Listed Building Grade:</u></b> | N/A  |                            |                     |
| <b><u>Agent:</u></b>                 | Andrew Tomlins , Woodley, 24 Central Avenue, Worthing  |                            |                     |
| <b><u>Applicant:</u></b>             | Stephen Oxley, 38 Medina Villas, Hove  |                            |                     |

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a detached three-storey building, over lower ground floor level, on the eastern side of Medina Villas. The building has been divided (vertically) into two self-contained dwellinghouses; the application relates to the northernmost unit.
- 2.2 Medina Villas is characterised by detached and semi-detached properties which are mostly rendered and painted white. This creates a strong scene of rhythm to the street scene, particularly on the eastern side of the street. The application site forms part of the Cliftonville Conservation Area.
- 2.3 38 Medina Villas is currently served by an existing garage in the courtyard to the rear of 39 Medina Villas (next door).

## 3 RELEVANT HISTORY

### 38 Medina Villas

**BH2009/01574:** Conversion of 4no self-contained flats to form 1no 6 bedroom house and 1no 5 bedroom house including single storey side extension to south elevation. Approved 04/09/2009. This permission has been implemented.

### 34 - 38 Medina Villas & 14 - 20 Albany Villas

**BH2008/00210:** Change of use from vacant residential care home (*Dresden House*) to form 32 self-contained residential units together with alterations to the existing building. Approved 13/05/2008. This permission has been partly implemented (with subsequent variations to the Medina Villas element of the scheme, as above).

Of relevance at adjoining properties is:-

35 Medina Villas

**BH2010/01286:** Creation of new vehicle access at front and installation of dividing wall. Refused 19/07/2010 for the following reason:-

*The proposed demolition would result in the erosion of original front boundary treatment of the property. The low front boundary walls of this building contribute positively to the street scene and the Cliftonville Conservation Area and the loss of any part of the wall would detract from the historic character of the Medina Villas. In addition, the works would facilitate additional parking space in front of the buildings which when utilised, would further detract from the character of the area. The proposed development would be contrary to policy QD1, QD14, HE6 and HE8 of the Brighton & Hove Local Plan.*

A subsequent appeal against this decision was dismissed on 18/11/2010 (ref: APP/ Q1445/A/10/2133542/WF). In dismissing the appeal, the Inspector concluded:

*“... the demolition of part of the wall and the creation of a new access would be unnecessary and would result in the loss of a feature which makes a valuable contribution to the street scene” and that it would “be harmful to the character or appearance of the Cliftonville Conservation Area”.*

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the formation of a hardstanding to the front of the building to create an off-street parking space. The proposal entails the removal of a section of front boundary wall and railings to provide access, a new pier would be constructed to the south (of the access).

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

##### **External**

- 5.1 **Neighbours: Four (4)** letters of representation have been received from **36, 37 & 38A Medina Villas** and **Sussex Innovation Centre** supporting to the application for the following reasons:
- Medina Villas is different to other streets in the Conservation Area, and is a wide road with properties set back from the street. As a result a number of houses in the road have converted front gardens to off-street parking and precedent has already been set;
  - When permission was granted for houses (at nos. 34-38) new off-street parking was allowed for nos. 34 & 37 and it already existed for nos. 35 & 36;
  - The application site was originally to be 4 duplex units and off-street parking would have been inappropriate. The site is now a large family house and is probably the only ‘whole’ house without off-street parking;
  - The project would be carried out to the highest standard with the aim of enhancing the property’s appearance from the street;

- Medina Villas features many different wall / gate / pier arrangements and the loss of 3 metres of boundary wall would not be detrimental to the street scene;
- Parking spaces in Medina Villas are frequently difficult to find which is frustrating, particularly with a family;
- The provision of an EV charge point should be a condition.

5.2 **Cllr Wealls** supports the application – see attached letter.

5.3 **Three (3)** representations have been received from **39 (flats 2 & 3) Medina Villas** and **saveHOVE** objecting to the application for the following reasons:-

- This part of Hove is important both visually and historically; altering the street front walls and piers is unacceptable and would alter the character of the area;
- Most other properties in the street do not have vehicular access;
- There is off-street parking associated with the building which is presumably in use;
- Occupants of the building would have been aware of the parking situation prior to purchase; personal car type and family details and not a planning consideration;
- The proposal would reduce on-street parking for other residents in the Zone;
- Impact on grey water drainage.

**Internal:**

5.4 **Heritage: Object.** The proposal involves removal of a substantial amount of the front wall and would be harmful to the street scene of this part of the Conservation Area, contrary to local plan policy HE6 and the supplementary Planning Document – Architectural Features. The proliferation of paving over of front gardens and parking in front of the houses and the associated loss of walls and railings are having a cumulatively harmful impact on the street scene of this part of the conservation area.

5.5 **Sustainable Transport: No objection.** A parking meter adjacent to the site would need to be moved to implement the crossover (this removal, and likely relocation, would need to be fully funded by the applicant).

## **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:

|      |   |
|------|---|
| TR7  | Safe development  |
| TR19 | Parking standards   |
| QD2  | Design - key principles for neighbourhoods                        |
| QD14 | Extensions and alterations  |
| HE6  | Development within or affecting the setting of Conservation Areas |

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards

#### Supplementary Planning Documents:

SPD09 Architectural Features

#### Draft City Plan – Part 1

None relevant

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the proposal on the character and appearance of the building and Cliftonville Conservation Area, and the impact on amenity for occupants of adjoining properties.

### **Character and appearance**

- 8.2 The application site incorporates a small front garden which is enclosed by a low wall with black railings above. This is comparable to the remainder of Medina Villas where there is an impression of a continuous feature along the back of the footway, punctuated by piers at pedestrian and vehicular access points. The existing front boundary treatment is an important characteristic of the Cliftonville Conservation Area.
- 8.3 This is reflected in the Character Statement for the Cliftonville Conservation Area, which states, “*dwelling*s are all set back from the street to a ‘building line’, and front gardens are usually enclosed by robust boundary walls and piers.

*The appearance of each street has suffered to varying degrees from the removal of garden walls, piers and railings.” This threat contributed to the use of an Article 4 direction for the area which, amongst other measures, removed permitted development in relation to vehicle access and alterations to boundary walls. The Article 4 direction states that “the Council will usually seek the retention of traditional front garden walls and resist their removal.”*

- 8.4 The proposal would remove approximately 2.9 metres of the existing boundary wall (and railings) to provide access onto a new hardstanding and form an off-street parking space; a replacement pier would be built to the southern edge of the hardstanding. The alteration would result in the partial loss of the front boundary wall and garden, and of an important characteristic feature of the Conservation Area. The loss of front boundary walls and the paving over of front gardens would contribute to the gradual erosion of the prevailing character and appearance of the Conservation Area, and if the application was approved it would make resisting similar alterations to adjoining properties difficult.
- 8.5 The proposal would therefore fail to preserve (or enhance) the character or appearance of the Cliftonville Conservation Area and conflicts with the aims of local plan policies QD14 and HE6, and Supplementary Planning Document 09 on architectural features.
- 8.6 It is acknowledged that a number of properties on Medina Villas incorporate off-street parking including adjoining properties to the north, one of which (no. 37) was approved as part of the planning permission BH2008/00210 (see section 3). This previously approved development was though considered to strike a balance between parking and access arrangements and improved landscaping, which included retention of boundary walls and the provision of gates between piers. The current application would run counter to this approach and there are no records of permission being granted (for off-street parking) elsewhere in Medina Villas since the Article 4 Direction came into force.
- 8.7 The existing occurrences of off-street parking on Medina Villas are considered to highlight the importance of preventing further unsympathetic alterations which, cumulatively, have a damaging effect on the character and appearance of the Conservation Area

**Impact on amenity**

- 8.8 In normal domestic use the hardstanding would not lead to harmful levels of noise or disturbance for occupiers of adjoining properties. The nature of the alteration would not lead to a loss of light, outlook or privacy to adjoining properties.

**Highways**

- 8.9 The proposed hardstanding would be of an adequate depth to accommodate a parked vehicle. The proposal would not result in a net loss of parking on Medina Villas, with an on-street parking bay replaced with an off-street parking space. There are no reasons to consider access and egress would cause a safety hazard for users of adjoining highways.

- 8.10 The removal of an on-street parking bay would require an amendment to a Traffic Regulation Order, with the crossover requiring a parking meter to be removed or relocated. These matters would be progressed by the Network Co-ordination Team outside the scope of this planning application if permission were to be granted.

**Other considerations**

- 8.11 It is noted that the supporting information states that a power connection, for an electric vehicle, would serve the proposed parking space. This would not, in itself, overcome or outweigh the visual harm that would result from the proposal.
- 8.12 There are no exceptional circumstances that would justify the formation of an off-street parking space in this location, and it is noted that off-street parking for the dwelling already exists to the rear of the site (accessed between nos. 38A and 39 Medina Villas).

**9 CONCLUSION**

- 9.1 The application site is within the Cliftonville Conservation Area where the retention of front boundary walls is of significant importance in order to preserve the area's character. The proposal involves removal of a substantial amount of the front wall and in combination with the formation of a hardstanding would be harmful to the street scene in this section of Medina Villas, and would fail to preserve or enhance the character or appearance of the Cliftonville Conservation Area. The application is therefore recommended for refusal.

**10 EQUALITIES**

- 10.1 None identified.

**11 REASON FOR REFUSAL / INFORMATIVES**

11.1 Reason for Refusal:

- 1 The front boundary wall, railings and garden contribute positively to the character of the street scene and of the Cliftonville Conservation Area. The partial loss of the front wall and railings would further erode the front boundary treatment in this section of the street and would detract from the historic character of Medina Villas. In addition the hardstanding, when in use, would disrupt the front elevation and bay window of the building which would further detract from the character of the area. The proposal would fail to preserve the character or appearance of the Cliftonville Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Document 09, Architectural Features.

11.2 Informatives:

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



PLANS LIST – 13 MARCH 2013

| <b>Plan Type</b>                           | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|--|------------------|----------------|----------------------|
| Location Plan & Block Plan                 |                  |                | 11/01/2012           |
| Existing & Proposed Frontage and Elevation | Drwg 1           |                | 11/01/2012           |

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.

Development Control,  
Hove Town Hall,  
Norton Road,  
Hove,  
BN3 3BQ

13 MARCH 2013

22<sup>nd</sup> January 2013

Dear Sir or Madam,

Re: Application Number BH2013/00120, 38 Medina Villas, Hove, BN3 2RN.


I support the above application.

I have visited the property and examined the plans with Mr Oxley. The adjoining similar properties have off-street parking bounded by pillars as is proposed by the applicant.

Once the alteration is made I do not believe this will alter the visual appearance of the house and its neighbours. Indeed, no-one looking at the houses would ever know that there had been an alteration.

I understand Mr Oxley will pay to move the parking meter at the location of this alteration. My support is conditional on this offer.

Yours faithfully,



Councillor Andrew Wealls