

**PLANS LIST  
ITEM K**

**119 Portland Road, Hove**

**BH2013/00500  
Full planning consent**

**24 APRIL 2013**

# BH2013/00500 119 Portland Road, Hove.



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/00500</b>	<b><u>Ward:</u></b>	<b>WESTBOURNE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>119 Portland Road, Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no. three bedroom dwelling house.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	14/02/2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	11 April 2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	RSP Architects, 1 Westbourne Grove, Westbourne Gardens, Hove		
<b><u>Applicant:</u></b>	Mr D & Mrs R Lumba, 119 Portland Road, 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 reasons set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a two-storey end terrace property on the corner of Portland Road and Rutland Road. The property is divided into a ground floor shop with a first floor flat above. The shop is currently occupied by Premier convenience store. The flat is accessed by an entrance to the side of the building. The shop is part of Portland Road Local Shopping Centre.
- 2.2 The building was extended in 2005 through the construction of a flat roofed rear extension. It has a painted render finish with upvc windows and two first floor rear bay windows. The property includes a rear yard enclosed by a rendered wall and a detached garage. The garage is set adjacent to the side wall of 1 Rutland Gardens, a two-storey dwellinghouse. The adjacent property at 117 Portland Road is also comprised of a ground floor shop unit with a flat above. The flat at 117A Portland Road has a rear first floor roof terrace and has access to the rear yard at 117.
- 2.3 The adjacent corner at 121 Portland Road comprises a two-storey building with a large return shopfront. Further up Rutland Road to the west is West Hove Community Baptist Church. The rest of Rutland Road is predominately comprised of two-storey terraced houses of traditional design.

## 3 RELEVANT HISTORY

**BH2005/00928/FP:** Formation of rear first floor terrace. This application was refused on the 19<sup>th</sup> May 2005 on the grounds of overlooking and loss of privacy of adjacent residential properties. This application was appealed by the applicant. The appeal was dismissed in July 2005.

**BH2002/02674/FP:** Alterations and extension to enlarge shop premises at side and rear and provide additional bedroom and bathroom at first floor. Approved November 2002.

**3/89/0543:** Single-storey building forming 2 no. shop units at rear. Refused August 1989.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the construction of a three bedroom two-storey dwelling to the rear of the existing building. The scheme involves the removal of the existing garage and part demolition of the existing rear extension at 119 Portland Road. The two-storey dwelling is shown linked to the existing building through a single-storey extension. A roof terrace is proposed to this single-storey link building.
- 4.2 The scheme includes the relocation of plant to the side elevation of the building, the removal of one of the rear first floor bay windows and the insertion of a larger first floor window to the west elevation. The scheme also includes an integral bin store and cycle storage proposed in the gap maintained between the property and 1 Rutland Road.
- 4.3 The application includes four letters of support including a letter from an accountants stating that the applicant has suffered financially since the opening of the nearby Sainsbury's store.

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

##### **External**

- 5.1 **Neighbours: One (1)** email has been received from **117A Portland Road** objecting to the application for the following reasons:
- The development would directly affect the flat and garden at 117A Portland Road. A solid wall of the house will run parallel along the garden wall of 117A, not only blocking views but also casting shadow over the garden.
  - Privacy will also be lost due to any windows or roof garden overlooking the adjacent property.
- 5.2 **Six (6)** emails / letters of representation have been received from **103(x2), 121D and 124(x2) Portland Road and 57 Cowper Street** supporting to the application for the following reasons:
- The proposed dwelling would not impinge on any nearby existing property and the garage would be better replaced with a dwelling.
  - The current business owners have suffered since the local Sainsburys opened a couple of years ago and it appears that this is a matter of the survival of Mr Lumba's shop.
  - The scheme is sympathetic to the immediate area and is a good use of space providing much need additional housing stock.

##### **Internal:**

- 5.3 **Environmental Health: No objection.** There is potential for proposed residents to be affected by noise from road traffic and noise from the local off-licence.

Due to the proposed property being set back from Portland Road it is unlikely that future residents will be adversely affected by road noise. The off-licence currently has a residential property above and has no record of causing any noise issues.

- 5.4 **Sustainable Transport:** No objection. The scheme is deemed appropriate subject to the following conditions:
- Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossover on Rutland Road 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.
  - 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.
- 5.5 **Access Consultant:** No objection. No objection subject to amendments to the internal layout of the proposed dwelling.

## 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:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 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.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 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
QD14	Extensions and alterations
QD15	Landscape design
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
SR6	Local Centres

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design

#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP4	Retail Provision
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban Design
CP13	Public Streets and Spaces
CP14	Housing Density



## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations of this case are the impact on the appearance of the proposed building and the wider street scene, the impact on neighbouring properties, the adequacy of living conditions provided for future occupiers, highway issues and sustainability matters.

### **Design:**

- 8.2 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policies QD3 and HO4 require that new infill development, such as that proposed in this case, does not result in town cramming or detriment to the amenity of the surrounding area.
- 8.3 Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.4 Permission is sought for the construction of a three bedroom dwelling to the rear of the existing building at 119 Portland Road. To allow the new building, it is proposed to demolish the existing garage and part of the rear extension at no.119. The new dwelling is two-storeys high with a flat roof with a large eaves fascia. A large glass dome is proposed to its roof to allow light for a central spiral staircase. The front of the proposed building line aligns with 119 Portland Road adjacent to the pavement. The building line is then shown to kink in to allow the northern part of the front of the building to be in line with the front of 1 Rutland Road. The east elevation of the dwelling includes a set back first floor and is proposed immediately adjacent the boundary with no.117 leaving a small garden area.
- 8.5 The scheme includes a small garden and a balcony area above the single-storey link building. This balcony includes glass balustrading to both sides. The building has a length of 12m and a height of 5.25m to eaves level. The proposed building would have a rendered finish, with timber doors and metal windows. The front of the property is proposed with two doors, a main door and a separate bin store door.
- 8.6 The rear of the house is within 1m of 1 Rutland Road and the scheme would be read in relation to the main property and in the context of Rutland Road. 1 Rutland Road is part of a terrace of four traditional houses with bay windows and continuous roof slopes divided by party walls. The rest of Rutland Road broadly is of a similar vein and the pattern of rows of traditional terraced houses continued up the east and west sides of the street. The modern design of the dwelling with its flat roof and uneven front elevation would bear no relation to the adjacent terraced houses of traditional design on Rutland Road resulting in an incongruous feature that would stand out in the street scene.
- 8.7 The flat roof of the proposed house is also lower than the existing flat roofed extension at the host property, 119 Portland Road. This with the proposed single-storey extension results in an over extended appearance to the property

and would form an unsympathetic addition to the building. The dwelling would also replace an existing gap in the street scene with an overdominant addition which neither relates to the host property or to the surrounding area. The glass dome proposed on top of the roof would also be an inappropriate and prominent addition which would further detract from the appearance of the building.

- 8.8 The scheme also results in the loss of the majority of the back yard area leaving only a small area for a garden. This is considered overdevelopment of the site and would also be out of character with the adjacent properties on Portland Road which have largely retained a large rear yard or garden area.
- 8.9 Having regard to design, scale and bulk of the proposed house, it is felt that the scheme would result in a house which would stand out in the street scene as an inappropriate and incongruous addition which bears no relation to the host property or to the existing residential character of the area. The proposal is also considered to be overdevelopment and results in town cramming to the detriment of the appearance of the scheme and overall street scene. The scheme is therefore considered contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.
- 8.10 The scheme includes the relocation of existing plant / air conditioning units to the side of the building fronting Rutland Road. This is to allow the siting of the proposed house. The existing plant is currently hidden from view to the rear of the property. Repositioning the plant to the side of building would make the plant prominent in Portland Road and Rutland Road and would detract from the appearance of the building. There is already one air conditioning unit to the side of the building. Additional plant to this prominent elevation would be wholly inappropriate and unacceptable.
- 8.11 It is also proposed to remove an existing first floor rear bay window and replace it with a flat rendered wall. The property currently has two rear bay windows. Removing one bay window would leave the host property with an unbalanced appearance. With regard to the alterations proposed to the host property, the scheme is considered contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 8.12 The proposed enlarged double sash first floor window to the west (Rutland Road) elevation is appropriately designed.

**Impact on Amenity:**

- 8.13 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.
- 8.14 Environmental Health has assessed the application in relation to noise disturbance. The proposed property is set back from Portland Road and as such is likely to experience levels lower of noise than properties directly onto the main road. While a report on road noise is likely to be unnecessary, it is



recommended that double glazing should be installed within the proposed build in order to protect future residents. This should not need conditioning as double glazing is usually used in new builds in order to comply with Part L of the Building Regulations.

- 8.15 The off-licence located to the south of the proposed building is open 8am till 11pm Monday to Saturday and 10am till 10:30pm on Sundays. Having looked at the history for the premises, Environmental Health has confirmed that no complaints have ever been received in relation to noise despite the fact that a residential property is located above. It is therefore unlikely that the proposed residents will be adversely affected by noise from the off-licence.
- 8.16 In terms of loss of light outlook, privacy, light and an increased sense of enclosure, the main properties affected by this development would be the immediate adjacent properties to the east (115-117 Portland Road), the flat above the ground floor shop at 119 Portland Road and the adjacent property to the north at 1 Rutland Road. Due to its position, the proposed dwelling would not significantly affect the amenity of any other adjacent properties.
- 8.17 No.1 Rutland Road is directly to the north of the proposed dwelling. The proposed house would face the side south facing elevation of no.1 Rutland Road. This elevation does not include any windows and accordingly this property would not be significantly affected by the scheme.
- 8.18 No.119 Portland Road includes a flat above the existing shop. This flat would also not be significantly affected by the proposed dwelling. The flat has an existing bay window facing to the rear. It is proposed to remove this bay window so that it would not overlook the proposed patio area above the first floor extension. The room the bay window serves has a side window to allow light and outlook. It is proposed to widen the side window to compensate for the loss of the rear bay window.
- 8.19 In respect of the amenity of the adjacent property at 117 Portland Road, the scheme would have a significant impact. As with no.119, this property is part of Portland Road shopping centre and has a ground floor commercial use with a residential flat above (117A). No.117 is the adjacent property to no.119 and the first floor flat has access to a rear first floor terrace as well as the rear garden. The proposed house would be immediately adjacent to the boundary. Adjacent to the boundary, the house would have a single-storey element with a set back first floor. The single-storey section would have a height of 2.6m and is shown to be an additional 0.75m above the existing boundary wall. One section of the first floor proposed is set back 1.1m from the boundary with a height of 5.25m and a length of 5.65m. The other first floor section is set back 3.1m from the boundary. Having regard to the scale of the building and its proximity to the boundary with 117A, the scheme would result in an increased sense of enclosure and loss of light to the garden area. The proposed house is also in close proximity to the first floor balcony at 117A Portland Road and would result in a loss of outlook to this amenity area.

- 8.20 As outlined above, the proposal includes a balcony area above a first floor link building. This terrace is proposed with an obscure glazed screen to a height of 1.8m facing east. With this screen in place, the use of the terrace would not result in a loss of privacy to any adjacent properties to the east. The proposed house does not include any east facing windows which would result in any overlooking of the adjacent properties.
- 8.21 Having regard to the impact on the amenity of 117A Portland Road outlined above, the scheme is considered contrary to policy QD27 of the Brighton & Hove Local Plan.

#### **Adequacy of Living Conditions**

- 8.22 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. There are concerns that the scheme would not provide a suitable standard of accommodation. The ground floor bedroom proposed has a window directly onto Rutland Road. Due to its position, the future users of the dwelling would have to have blinds or curtains in place to stop passers by looking into the bedroom. Additionally, the ground floor lounge is only served by one window onto a small garden area. This garden area is enclosed and, with the bulk of the Portland Road properties, the lounge would receive limited daylight and sunlight. As the lounge is the main living area in a dwelling, this area should have adequate levels of light and outlook.
- 8.23 Policy HO5 requires suitable external private amenity space to be provided for new residential development. The scheme includes two amenity areas in the form of a small garden and a first floor terrace. The garden is 4m x 3.3m. The roof terrace is 2.9m x 3.35m. As stated above, the garden would be substantially enclosed by the proposed dwelling and the existing Portland Road buildings. The garden is considered too small with limited light and would not provide an appropriate outside amenity area for a three bedroom family dwelling. Additionally, the balcony is also small and is accessed from the first floor bedroom only. Accordingly, the scheme does not provide a suitable outside amenity area which can accommodate the needs of a family dwelling.
- 8.24 Brighton & Hove Local Plan policy HO13 requires new development to comply with Lifetime Homes standards. The Council's Disability Access Advisor has stated that the scheme requires amendments to meet the Lifetime Homes standards. These include the following:
- The provision of 1100mm clear space in front of the WCs at ground and first floors.
  - The provision of a clear width of stairs of at least 900mm
  - The provision of 300mm clear space to the leading edge of the kitchen door.
- 8.25 The above amendments are minor internal alterations. If the scheme were minded for approval, these amendments could be secured by condition.

**Sustainable Transport:**

- 8.26 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.
- 8.27 The Highway Manager has commented that the proposal for one additional dwelling will increase trips slightly but not to a level that would warrant a refusal of planning permission.
- 8.28 The applicant is not proposing any on-site car parking spaces therefore the existing vehicular access is now redundant. The Highway Authority would recommend that the existing crossover is reinstated back to footway. If recommended for approved, this could be secured by condition.
- 8.29 Supplementary Planning Guidance Note 04 (SPG4) states that the maximum car parking standard for a house within a Controlled Parking Zone (CPZ) is 1 space per dwelling plus 1 car space per 5 dwellings for visitors. The applicant is not proposing any on-site car parking. Therefore this level of car parking is deemed acceptable and in line with SPG04.
- 8.30 Due to the site's location in an outermost CPZ, the current availability of spaces in this location and the fact that an additional on-street car parking space could be created by the Highway Authority when the applicant reinstates the vehicle crossover back to footway, the Highway Authority would not recommend that the development is made car free in line with policy HO7.
- 8.31 SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 1 house the minimum parking standard is 1 cycle parking space in total. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 8.32 The applicant is providing cycle storage down a narrow gate between an existing and the new house. Whilst this is narrow it does provide convenient storage of 1 cycle and therefore meets the minimum requirements in SPG04. It is not apparent however, if the cycle parking is weatherproof or not. If recommended for approval, further details as to the nature of the store could be secured by condition.

**Sustainability:**

- 8.33 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. The scheme does include some sustainability measures such as solar panels and a sustainability checklist. The checklist indicates that the scheme will meet level 3 of the Code for Sustainable Homes. This is in accordance with Supplementary Planning Document 8: Sustainable Buildings. If recommended

for approval, a condition could be applied to ensure the development meets this standard.

- 8.34 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Information has been submitted with the application to demonstrate how these requirements have been met.

**Other Considerations:**

- 8.35 The site is within Portland Road Local Shopping Centre which is covered by policy SR6 of the Brighton & Hove Local Plan. The policy seeks to retain a ground floor A1 use within the centre. The scheme proposes the loss of a small area of the ground floor shop to the rear but still retains a substantial area for the shop. The scheme is therefore unlikely to affect the viability of the ground floor shop and is in accordance with the policy.
- 8.36 The applicant has stated that the scheme should be approved on the basis that the shop has financially suffered through the opening of the larger Sainsbury's nearby. The applicant has not submitted a full viability assessment to justify the argument. Notwithstanding this, the financial argument does not outweigh the harm identified above.

**9 CONCLUSION**

- 9.1 The scheme is deemed inappropriate for the following reasons:
- The proposal results in an incongruous and unsympathetic addition which would stand out in the street scene as an inappropriate feature. The scheme is also considered overdevelopment of the site and proposes alterations to the host property which are detrimental to its appearance.
  - Due to the scale and bulk of the building adjacent to the boundary, the scheme results in a detrimental impact on the amenity of 117A Portland Road in terms of loss of outlook, light and an increased sense of enclosure.
  - Having regard to the proposed layout of the house, the scheme does not provide a suitable standard of accommodation.
  - The proposed outside amenity areas are deemed inadequate in terms of their size and positioning and are not suitable for a family sized house.

**10 EQUALITIES**

- 10.1 The scheme is required to fully meet Lifetime Homes standards.

**11 REASON FOR REFUSAL / INFORMATIVES**

11.1 Reasons for Refusal:

1. The proposed dwelling, by virtue of its design, scale and siting, relates poorly to the adjacent properties and to the host property and would stand out in the street scene as an incongruous and unsympathetic addition. The proposed dwelling is therefore considered overdevelopment of the

site and would look out of character with the existing residential development in the area. For this reason the development is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.

2. The scheme proposes relocating existing plant to the side elevation of the property fronting Rutland Road and the removal of one of the rear first floor windows. These alterations would significantly detract from the appearance of the host property and would stand out in the street scene as unsympathetic alterations. The scheme is therefore considered contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.
3. Due to the position and bulk of the proposed dwelling, the proposal would result in a significant loss of outlook, light and a heightened sense of enclosure to the residents 117A Portland Road. The proposal would therefore lead to an unacceptable material loss of amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
4. The scheme does not include suitably sized outside private amenity areas which would be appropriate for a family sized dwelling. The scheme is therefore considered contrary to policy HO5 of the Brighton & Hove Local Plan.
5. The ground floor bedroom would suffer severe lack of privacy or have limited light and outlook if blinds or curtains were constantly drawn to the window serving the bedroom in order to maintain privacy. The lounge area also has limited outlook and light with one window facing south. Having regard to above, the scheme is deemed to result in an inappropriate standard of accommodation and is contrary to policies SU2, QD2 and QD27 of the Brighton & Hove Local Plan.

#### 11.2 Informatives:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			14/02/2013
Block Plan			14/02/2013
Existing and Proposed	1241/01		14/02/2013

