

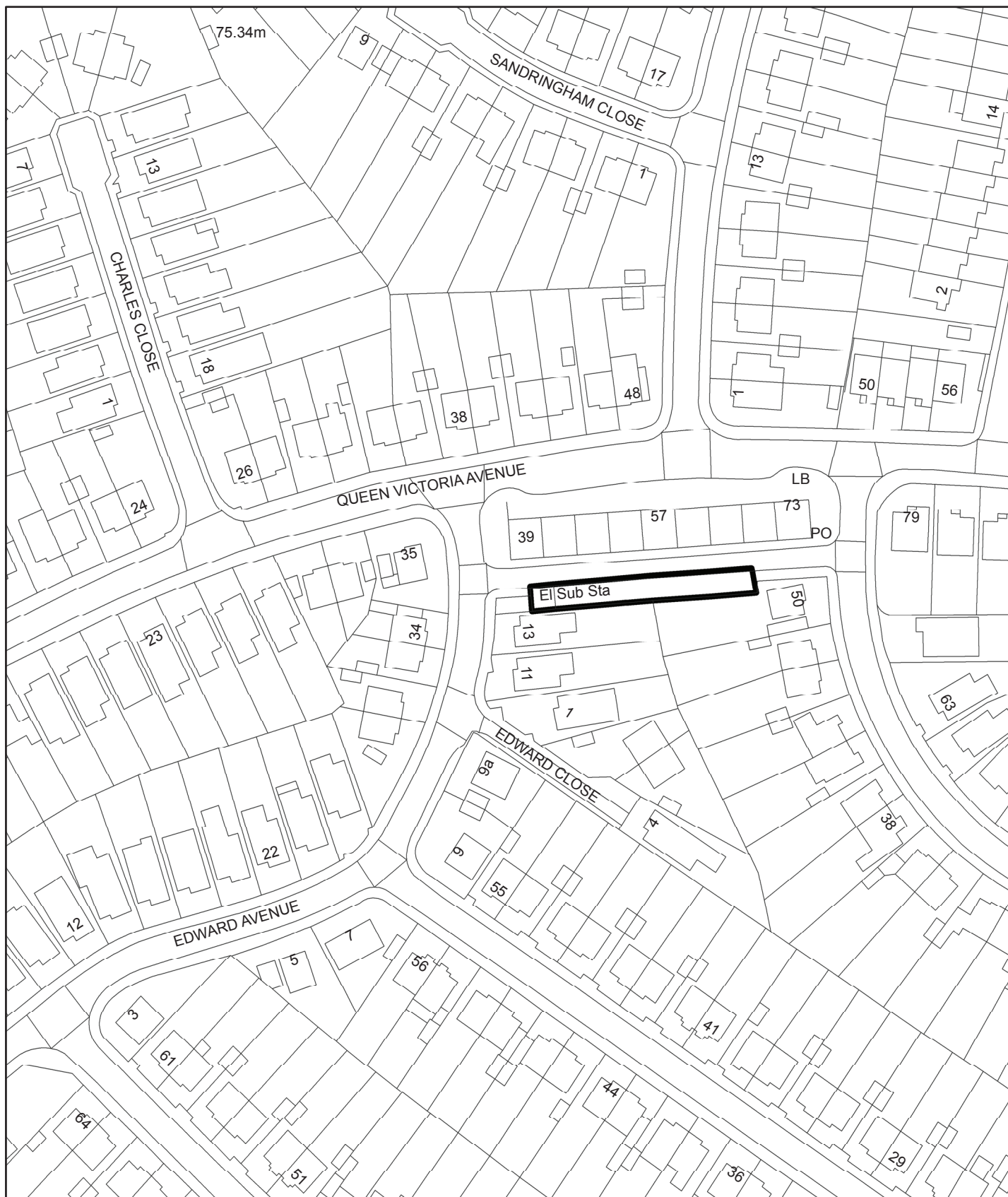
**PLANS LIST
ITEM H**

**Land rear of 39-73 Queen Victoria Avenue,
Hove**

**BH2013/00453
Full planning consent**

15 MAY 2013

BH2013/00453 Land rear of 39-73 Queen Victoria Avenue, Hove.



Scale: 1:1,250

<u>No:</u>	BH2013/00453	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land rear of 39-73 Queen Victoria Avenue Hove		
<u>Proposal:</u>	Erection of 2no single storey one bedroom dwellings.		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	21/02/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18/04/2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Deacon and Richardson Architects, 87-88 Upper Lewes Road, Brighton		
<u>Applicant:</u>	Cook Brighton Ltd, Mr David Cook, 39 Queen Victoria Avenue, 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 comprises a narrow strip of land measuring between 5.5m and 5.8m in width and just under 50m in length. The land is adjacent to an electricity sub-station next to 13 Edward Avenue and runs alongside the rear gardens of that property and 50 Elizabeth Avenue. The land is situated on a service road behind a two storey local parade of shops which has self contained flats on the upper floors, with access to those flats at the back of the building via the service road. Several cars park along one side of the service road, most parked half on the pavement. On the side of the application site there is no pathway along the service road.
- 2.2 The application site is occupied by small plots of open amenity space used by flat residents, some of which are fenced and gated; an informal hardstanding area; and open land overgrown with planting. There are small sheds, barbecues and picnic tables and seats on parts of the site. The site is not considered to constitute previously development land in accordance with the definition provided in the National Planning Policy Framework.
- 2.3 The site is on a hillside sloping downwards from east to west and also from north to south. The back gardens of 13 Edward Avenue and 50 Elizabeth Avenue are up to 1m below the level of the site.
- 2.4 The area is predominantly residential and comprises traditional brick bungalows and two storey houses with pitched roofs, mostly detached or semi-detached. There is an orderly, planned layout to the locality and buildings are positioned along established building lines set back from the street.

3 RELEVANT HISTORY

BH2012/02544: Erection of 2 single storey 1 bed dwellings. Refused on 12 October 2012 for the following reasons:

1. *The proposed development would have a cramped appearance due to the limited size of the plot and the design, scale and appearance of the dwellings would be incongruous with the predominant form and layout of development in the area and would fail to enhance the positive characteristics of the locality. As such the proposal would be detrimental to visual amenity and contrary to policies HO4, QD1, QD2 and QD3 of the Brighton & Hove Local Plan 2005.*
2. *The proposed development would result in the loss of private, useable amenity spaces which are used by existing residents. As such the proposal would conflict with policies HO4 and HO5 of the Brighton & Hove Local Plan 2005.*
3. *For reasons including the raised level of the site, the proximity of the dwellings against the boundaries of the plot and the siting of parking and cycle storage facilities, the development would have a significant adverse impact on neighbour amenity by way of loss of privacy, overlooking, overbearing impact and noise disturbance and intrusion. For these reasons the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan 2005.*
4. *The proposed development, by reason of the design and absence of windows at eye level (notwithstanding views into the enclosed terrace of each property), would not provide a satisfactory standard of accommodation for future occupiers due to the limited outlook provided from within. As such the proposal conflicts with policy QD27 of the Brighton & Hove Local Plan 2005.*
5. *The application proposes to achieve Level 3 of the Code for Sustainable Homes for the development. This is not a satisfactory level of sustainability for the development because the plot constitutes a Greenfield site which is not previously developed and as such a minimum of Level 5 of the Code for Sustainable Homes should be achieved in accordance with policy SU2 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document SPD08: Sustainable Building Design.*

4 THE APPLICATION

- 4.1 The application seeks full planning permission for the construction of two detached single storey 1-bedroom dwellings at a density of just over 71 dwellings per hectare (dph). The scheme is a revised submission following the refusal of application BH2012/02544.
- 4.2 Each dwelling would measure 13.4m in length and 4.8m in width and positioned 700mm off the boundary of the site with 13 Edward Avenue and 50 Elizabeth Avenue. Each dwelling would be smaller than previously proposed (5.4m x 16.1m) and the design and access statement submitted by the applicant states the floor area of each unit would be 62 square metres, compared to 80 square metres for each of the units proposed under the refused application BH2012/02544.

- 4.3 Two car parking spaces are proposed adjacent to the electricity substation next to 13 Edward Avenue, one space for each dwelling. Private amenity spaces in the form of decked terraces having an area of 30 square metres are proposed to each side of the two dwellings, together with an area for bin and recycling storage and secure, covered cycle storage.
- 4.4 The dwellings would be sited 7.1m apart and amenity spaces enclosed by dwarf walls and close-boarded timber fences between 1.4m and 2m in height above the level of the service road.
- 4.5 Each dwelling would have a mono-pitch roof of 3.2m in height at the front and 2.5m in height at the rear. The roofs would be sedum and would incorporate south facing solar photovoltaic panels, a rooflight and a daylight pipe (sun pipe). The height of each dwelling would step up following the natural topography of the land.
- 4.6 The façade of each dwelling would feature an entrance door; high level windows; and a full height window with obscure glazing up to transom height. External materials and finishes are proposed to be blue brickwork with red brick above; powder coated aluminium fenestration; and vertically boarded timber doors.
- 4.7 A window is proposed in the flank elevation of each dwelling facing onto the refuse/recycling and cycle storage areas; and three folding doors are proposed in each dwelling to provide access onto the private amenity terraces. No windows or other openings are proposed on the rear elevations.
- 4.8 Each unit would comprise bedroom; bathroom/W.C.; and open plan living/kitchen area with access to the private amenity terrace.
- 4.9 Each unit is proposed to achieve Level 3 of the Code for Sustainable Homes.
- 4.10 The applicant has submitted a letter in support of the proposal.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Fifteen (15)** letters of representation have been received from **9A, 11, 13 (x2), 28, 30 and 32 Edward Avenue; 1, 2, 3 and 4 Edward Close; 42, 44, 46, 48 and 50 Elizabeth Avenue**, objecting to the application for the following reasons:

Transport/Parking

- Narrowing of service road due to proposed pavement will cause loss of 9 parking spaces, cause parking problems and congestion.
- Will reduce width of service road to less than 2.2m.
- Extra traffic generated.
- Access for emergency vehicles and refuse collection.
- Over spill parking in surrounding streets.

Trees

- Damage to and loss of mature evergreen trees next to site.

- Harm to nesting birds.
- Mature tree removed prior to submission of application.

Scale and Design

- Over development.
- Inappropriate density.
- Not in keeping with surrounding development.
- Undesirable trend towards infill development on garden land.
- Appearance of two containers.
- Low lying box shaped design with no eye level windows.
- Small site used as gardens by existing flats.
- Existing site is an eyesore only because it is not maintained.

Amenity

- Loss of amenity space for existing residents.
- The sunpipe and solar panels will be ineffective due to shadowing from existing trees outside the site.
- Fumes and noise from proposed parking area affecting neighbour's daughter's bedroom, represent a hazard, lead to health problems.
- Increased pollution and dust.
- Loss of privacy.
- Overlooking from elevated position of parking and amenity areas in relation to adjoining dwellings.
- Overbearing impact on adjoining properties.
- Intrusive.

Sustainability

- Insufficient amount of solar panels.
- Lack of natural light to proposed dwellings.
- Impractical size of proposed properties.

Other matters

- Disruption during construction.
- Sedum roof will not be maintained based on lack of maintenance to existing flats owned by the applicant.
- Poor condition of existing shops and flats indicator of how proposed development will not be maintained by applicant.
- Not needed if Toad Hole Valley goes ahead.
- There are more suitable areas for housing in the city.
- Insufficient plans.
- Images submitted are out of date.
- Greed.
- Opportunistic and unliveable development.
- Existing houses in the area remain for sale on the market for long periods.
- Second application but fundamental issues remain.

5.2 **Goldstone Valley Residents' Association** objects to the application for the reasons summarised as follows:-

- Inappropriate site for two dwellings.
- Out of character.
- Small footprint.
- Over development.

- Detrimental to neighbouring properties.
 - Loss of privacy.
 - Would set a precedent.
- 5.3 **Eight (8)** letters of representation have been received from **267 Goldstone Crescent; 2 Chalfont Drive; 43, 45, 55, 57, 59 and 61 Queen Victoria Avenue** , in support of the application for the following reasons:
- Tidy up messy site.
 - Site is where unwanted waste is dumped.
 - Will form two homes for older residents.
 - Excellent use of unused land.
 - More single storey housing needed.
 - Applicant has offered existing elderly and less able residents first refusal of the new dwellings.
- 5.4 **Councillor Bennett and Councillor Brown** object to the planning application (copy of letter on file).
- 5.5 **UK Power Networks:** No objection.
- 5.6 **Environment Agency:** No objection. Having screened the application with regard to the low risk of the development type and location of the proposal, no comments are offered.
- Internal:**
- 5.7 **Accessibility:** No objection. The approach to the houses must be level or gently sloping. The house entrances are recommended to open onto the parking spaces.
- 5.8 **Council Arboriculturalist:** No objection. In the adjoining gardens to the south of the proposed development site, the householders have planted Leylandii/mixed conifer hedging along the boundary with the development site and it was felt by the inspecting officer that this creates a fine and important screen between the two properties. The footprint of the proposed building is likely to be within the root protection areas of the specimens that make up this hedge, and therefore the Arboricultural Section recommends that the foundations of the proposed properties are constructed in such a way as to allow retention of the hedge and thus retention of the fine screen. A condition should be attached to any consent granted, to this effect.
- 5.9 **Environmental Health:** No objection. A contaminated land discovery strategy is recommended.
- 5.10 It is noted there is a small electricity substation next to the site. Taking into account the potential for localised contamination from this substation and that it is downhill of the development, a contaminated land discovery condition is recommended.
- 5.11 **Sustainable Transport:** No objection.

- 5.12 The footway provision proposed is deemed contrary to policy TR8 of the Local Plan because it would not provide a continuous footway. Therefore a Grampian condition is recommended to secure the improvements detailed below.
- 5.13 Whilst the applicant proposes a footway directly outside of the development, there is no formal pedestrian provision linking the development to the surrounding pedestrian network. The application does not provide for the needs of pedestrians by providing short, safe, attractive and direct routes for walking. This arrangement is therefore deemed to be contrary to policy TR8 (Pedestrian Routes). The highway authority requests that the applicant provides adequate footway connecting the development directly with the pedestrian network on Elizabeth Avenue and Edward Avenue. If this is not achievable, the applicant should provide as a minimum, a pedestrian route across Edward Avenue with dropped kerbs on the north and south footway adjacent to the site.
- 5.14 The maximum car parking standard for a house outside of a controlled parking zone (CPZ) is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The applicant is proposing 1 car parking space for each property. For this development of 2 residential units the maximum car parking standard is 3 spaces. Therefore the proposed level of car parking is in line with the maximum standards deemed acceptable. It is noted that one of the dwelling is not adjacent to the car parking area. It is recommended that the spaces are numbered and allocated to each of the 2 dwellings.
- 5.15 The cycle parking is acceptable.
- 5.16 The applicant proposes 2 new car parking spaces so will therefore have to implement new vehicle crossovers. However, as this is a private un-adopted road, the Council would not be involved in licensing any of the necessary works to the highway.

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) March 2012

Brighton & Hove Local Plan 2005:

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
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery

CP8	Sustainable Buildings
CP9	Sustainable Transport
CP12	Urban Design
CP14	Housing Density
CP19	Housing Mix

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development; design; impact on amenity; sustainability; and parking/transport considerations.

Principle of development-

- 8.2 The NPPF defines previously developed land as:
Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation ground and allotments; and land that was previously developed by where the remains of the permanent structure or fixed surface infrastructure have blended into the landscape in the process of time.
- 8.3 The application site is a strip of land separated from Queen Victoria Avenue by a service road. The land cannot be said to be fixed surface infrastructure associated with those buildings. There are no structures on the site aside from a small number of timber sheds. Much of the site is overgrown with planting, used as amenity space, and open. For these reasons the site is not considered to be previously developed land by the definition provided in the NPPF.
- 8.4 In terms of providing an appropriate mix of dwelling types in accordance with policy HO3 of the Local Plan the proposal is for two residential units, which limits the potential for a varied mix. Two 1-bedroom properties are proposed and this, together with the nearby flats and family sized bungalows and houses in the local area would produce an appropriate housing mix.
- 8.5 Policy HO4 of the Local Plan states to make full and effective use of the land available, residential development will be permitted at higher densities than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits high standards of design and architecture and respects the capacity of the local area to accommodate additional dwellings. Whilst the proposal would help to address housing need in the city the site is not considered appropriate for residential development in principle due to site constraints including proximity to existing properties and the service road, the limited width of the site, and the standard of design proposed.
- 8.6 In principle, the proposed residential development of the site conflicts with policy QD3 of the Local Plan, which, although supportive of proposals that

would make efficient and effective use of a given site, requires an intensity of development appropriate to the locality and prevailing townscape. Due to the narrow width of the plot the proposed dwellings would have the appearance of being 'crammed in', contrary to the objectives of policy QD3 which requires development to respect the design and quality of spaces in between buildings and retain existing open space, trees and grassed areas where appropriate.

- 8.7 Parts of the application site are used as amenity spaces for residents of the adjoining flats over the shopping parade in Queen Victoria Avenue. These areas have been sub-divided with fences and gated boundaries and there are benches, seats and evidence of some gardening activity, indicative of these areas being used as private amenity spaces. The open space is also important to the setting of the rear of the flats and service road and provides a landscaped buffer between the larger scale shopping parade and flatted building in Queen Victoria Avenue and the houses and bungalows which characterise Edward Avenue and Queen Elizabeth Avenue.
- 8.8 The proposed development would result in the loss of those spaces and consequently those users would no longer have any private, useable amenity spaces because the flats have no balconies, terraces or other garden areas. As such the proposal would conflict with policies HO5 and QD27 of the Local Plan and have an adverse impact on existing occupiers' quality of life.
- 8.9 In principle the proposed development is not considered to be acceptable on this site.

Design

- 8.10 The proposed dwellings would be narrow and would occupy the greater part of the width of the overall plot, thereby having a cramped appearance with insufficient space around the buildings. These factors combined with the mono-pitch form of the dwellings and the plain and poorly composed facades, would give the development an incongruous appearance as an alien form of development in this locality which is characterised by buildings of traditional form with space around and between them. The proposed dwellings would be built up to the edge of the service road and tall fences and walls are proposed around the terrace areas which would add to incompatible appearance of the development within the site context and give it a dominant and intrusive character.
- 8.11 Policies QD1 and QD2 of the Local Plan seek to ensure proposals demonstrate a high standard of design and make a positive contribution towards emphasising and enhancing the positive qualities of the local neighbourhood by taking into account local characteristics including:
- a. height, scale, bulk and design of existing buildings;
 - b. topography and impact on skyline;
 - c. natural and developed background or framework against which the development will be set;
 - d. natural and built landmarks;
 - e. layout of streets and spaces;

- f. linkages with surrounding areas especially access to local amenities e.g. shops, community facilities, open spaces;
- g. patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of public transport; and
- h. natural landscaping.

8.12 The form, plot coverage and external appearance of the proposed dwellings are considered inconsistent with policy QD2 and the standard of design falls below that reasonably expected by the local planning authority and would not make a positive contribution to the character of the local area. The proposed dwellings would appear incongruous and discordant within the context of the site, to the detriment of visual amenity.

Impact on amenity-

8.13 The proposed dwellings would be built in a position 700mm set back from the rear boundary of the plot with the adjoining properties of 50 Elizabeth Avenue and 13 Edward Avenue. These neighbouring properties are on lower ground level, up to 1 metre lower in relation to the application site, means the new buildings would have an overbearing impact because they would appear considerably higher than one storey when seen from neighbouring properties.

8.14 Occupants of 13 Edward Avenue would experience noise, intrusion and loss of privacy from use of the parking area, which is proposed directly outside a bedroom window. The bedroom window on the flank wall of the house would lose natural light, become overshadowed by the development and would experience noise and smells from future occupiers parking cars in the spaces shown on the plans, which are adjacent to this property. Due to the difference in ground levels, future occupiers of the proposed development would be able to overlook 13 Edward Avenue.

8.15 The impact on occupiers of 50 Elizabeth Avenue would be that the top part of the upper dwelling would be visible for the length of the back garden and that the development would have an overbearing impact.

8.16 The prior removal of the tree identified in a neighbour's letter of objection means that there are more open views between properties leading to potential loss of privacy.

8.17 The impact on the amenity and living conditions of future occupiers of the development should also be considered. The dwellings would have a single outlook from the living room into the enclosed terrace of each property, and a window onto the refuse and cycle storage areas. The outlook into those enclosed spaces would be residents' only views because no windows or other openings are proposed on the rear or flank walls and the only opening on the front elevations, aside from the entrance doors, would be obscure glazed to a high level. The rooflights and sun pipes proposed should enable satisfactory natural lighting of the two units, but there is concern over future occupiers' outlook and the sense of enclosure and poor quality of life this could lead to. The bedrooms, kitchen areas and circulation areas of each dwelling would have

no windows providing an outlook. These concerns are indicative of the limitations and constraints of plot and the sensitive location and potential for harm to neighbour amenity has dictated the design of each dwelling rather than consideration for future occupiers' living conditions resulting in a contrived scheme.

- 8.18 In view of the above it is considered the proposal would conflict with policy QD27 of the Local Plan.

Sustainability

- 8.19 In accordance with policy SU2 of the Local Plan new development should demonstrate a high standard of efficiency in the use of energy, water and materials, provided that they are otherwise in accordance with the other policies of the development plan, as appropriate. The application site is considered Greenfield land because it has not been previously developed.
- 8.20 As a Greenfield site, new residential development would be expected to achieve Level 5 of the Code for Sustainable Homes in accordance with SPD08: Sustainable Building Design.
- 8.21 The applicant proposes Level 3 of the Code for Sustainable Homes and this is not considered acceptable. Particularly in conjunction with other shortcomings evident in the proposal, failure to achieve a satisfactory level of sustainability cannot be supported.
- 8.22 Sustainability is also linked to ensuring the development would meet the changing needs and mobility issues which future occupiers could face. Policy HO13 of the Local Plan requires that new residential dwellings should be built to Lifetime Home standards whereby they can be adapted to meet the needs of people with disabilities without major structural alterations.
- 8.23 The applicant submits that the dwellings would achieve Lifetime Home standards. This could be conditioned had the council been minded to grant permission for the development.
- 8.24 In terms of the potential impact on adjoining evergreen hedges/trees alongside the site boundary but within the back garden of 13 Edward Avenue, the Council Arboriculturalist raises no objection to the potential impact of the development on those trees. However, if permission was to be granted it would be recommended a condition requiring details of tree protection measures should be imposed. The presence of the evergreen boundary also raises questions as to how effective solar photovoltaic or solar vacuum tube technologies on the roof of proposed dwellings would be, in consideration of the trees being along the southern side of the plot and hence obscuring sunlight for the majority of the time.

Parking/Transport

- 8.25 The application proposes one off-street parking space per dwelling and this is in compliance with the maximum parking standards set out in SPGBH4: Parking

Standards and the requirement for development to provide for the transport demand generated under policies TR1 and TR19 of the Local Plan.

- 8.26 The application satisfies the requirements of policy TR14 to provide secure, sheltered and convenient cycle parking provision in accordance with the minimum levels set out in SPGBH4. The cycle parking spaces are shown on the drawings submitted to be within secure enclosures to each side of the dwellings within an area also to be used for refuse and recycling storage. The precise details of the method of securing cycles could be secured by imposing a planning condition in the event permission were granted. Use of Sheffield stands should enable up to 4 bicycles to be stored on the site.
- 8.27 In respect of the service road onto which the new dwellings would have a frontage, several cars are parked in the service road at any one time, on the opposite side of the service road to the application site and half parked up on the opposite pavement. These parked cars could make reversing out of the proposed parking spaces difficult and whilst the applicant has offered to make the service road one way only, this would not alleviate the situation. Several neighbouring residents have raised objections that should parking no longer be possible on the service road, existing residents in Queen Victoria Avenue will have to parking on surrounding streets. Properties in the surrounding streets generally have off-street parking and garages and on-street parking is unrestricted and ample spaces are available. For these reasons any displaced parking as a result of the development is not considered likely to be significantly detrimental to amenity or highway safety.
- 8.28 In contrast to the previous application whereby the front entrances to each proposed dwelling would have opened out directly onto the service road, the new application proposes a pavement in front of each property which would link to the parking area proposed. Sustainable Transport has raised an objection in this respect because in order to meet the requirements of policy TR8, the pavement should connect to the existing public footway network. As such the application does not provide for the needs of pedestrians by creating short, safe, attractive and direct routes for walking any farther than the proposed parking area. The proposed footway should join up with the footway in Edward Avenue. There would be sub-standard pedestrian provision for the development and this is contrary to the requirements of policy TR8 of the Local Plan.
- 8.29 The application is not considered to provide safe access for pedestrians to and from the site, including those with mobility difficulties or wheelchair users, and would pose a danger to highway users. As such the scheme would not meet the requirements of policies TR7 and TR8 of the Local Plan.

Other matters

- 8.30 Both the applicant and residents of the existing flats have both submitted supporting letters stating that if approved, two households of existing elderly and less mobile residents of Queen Victoria Avenue, would be offered to move into the new dwellings.

- 8.31 For the small number of units proposed, it is not a planning requirement to ensure the properties would be inhabited only by elderly persons or those with specific needs, rather the proposed dwellings should be considered as market housing. As such this supporting argument is not considered to carry significant weight and should not influence the planning decision.

9 CONCLUSION

- 9.1 The design, form and siting of the dwellings together with the limited size of the plot would give the development a cramped appearance that would be incongruous with the character of neighbouring development and which would not enhance the positive characteristics of the locality, to the detriment of visual amenity.
- 9.2 The development would have an overbearing impact and would overlook occupiers of adjoining dwellings and future occupiers of the development would have an unsatisfactory outlook which would be detrimental to their living conditions.
- 9.3 The proposal would not achieve a satisfactory level of sustainability for development of a Greenfield site.
- 9.4 The proposed footway in front of each dwelling would not connect with the pedestrian network outside of the site and as such the proposal is contrary to policies TR7 and TR8 of the Local Plan.

10 EQUALITIES

- 10.1 The development should be built to meet accessible housing and lifetime home standards.

11 REASONS FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed development would have a cramped appearance due to the limited size of the plot and the design, scale and appearance of the dwellings would be incongruous with the predominant form and layout of development in the area and would fail to enhance the positive characteristics of the locality. The proposal would result in the loss of open space which is important to the character of the area and the loss of areas of outdoor amenity space used by existing adjoining residents. As such the proposal would be detrimental to visual amenity and contrary to policies HO4, HO5, QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan 2005.
2. For reasons including the raised level of the site, the proximity of the dwellings against the boundaries of the plot and the siting of parking and cycle storage facilities, the development would have a significant adverse impact on neighbour amenity by way of loss of privacy, overlooking, overbearing impact and noise disturbance and intrusion. For these

- reasons the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan 2005.
3. The proposed development, by reason of the design and absence of windows at eye level (notwithstanding views into the enclosed terraces of each property), would not provide a satisfactory standard of accommodation for future occupiers due to the limited outlook provided from within. As such the proposal conflicts with policy QD27 of the Brighton & Hove Local Plan 2005.
 4. The application proposes to achieve Level 3 of the Code for Sustainable Homes for the development. This is not a satisfactory level of sustainability for the development because the plot constitutes a Greenfield site which is not previously developed and as such a minimum of Level 5 of the Code for Sustainable Homes should be achieved in accordance with policy SU2 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document SPD08: Sustainable Building Design.
 5. The proposed footway in front of the two dwelling units would not connect with the public footway outside of the site and as such would not provide for a safe and attractive pedestrian route to and from the development, contrary to the requirements of policies TR7 and TR8 of the Brighton & Hove Local Plan 2005.

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:

Plan Type	Reference	Version	Date Received
Existing Site Plan	3395.EX.100		13 Feb 2013
Proposed Location & Block Plans	3395.PL.01	A	13 Feb 2013
Proposed Site Plan & Section	3395.PL.02	A	13 Feb 2013
Proposed Roof Plan, Section and Elevations	3395.PL.03	A	13 Feb 2013
Proposed North and South Elevation	3395.PL.04	A	13 Feb 2013



PLANS LIST – 15 MAY 2013

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

From: Vanessa Brown
Sent: 12 March 2013 14:24
To: Christopher Wright
Subject:

Dear Mr Wright

Ref BH2013/00453 Land behind shops in Queen Victoria Avenue

As Councillors for Hove Park Ward we are writing to object most strongly to this planning application. This would be a totally inappropriate development. The application is very similar to the previous application that was refused and does not address any of the reasons given for the previous refusal.

This is a particularly narrow plot, only 5.3m wide, situated in a narrow service road which provides small garden spaces for the flats above the shops at the present time. These flat roofed bungalows would be a complete overdevelopment of a very small site. They would be totally out of character with the surrounding neighbourhood. The plot is so narrow that the front doors would open onto the road as there is no room for a pavement.

Due to the gradient of the site and the elevated position these shed like buildings would have a very negative effect on the residents of 13 Edward Avenue removing both light and privacy.. The building so close to their boundary fence would also be likely to damage the roots of the line of mature fir trees along the boundary of their garden.

If this development should be recommended for approval we would request that the plans be put before the planning committee. We would also ask for a site visit.

Yours sincerely

Vanessa Brown Jayne Bennett

