

<u>No:</u>	BH2013/01836	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land at rear 32 Stanford Avenue Brighton		
<u>Proposal:</u>	Demolition of existing garage and erection of a two storey 1no bedroom house.		
<u>Officer:</u>	Wayne Nee Tel 292132	<u>Valid Date:</u>	18/06/2013
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	13 August 2013
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	CJ Planning Ltd, 80 Rugby Road Brighton BN1 6ED		
<u>Applicant:</u>	Mr Jon Mills, C/O Agent CJ Planning Ltd 80 Rugby Road Brighton BN1 6ED		

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(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a domestic garage within the site of a semi-detached property on the eastern side of Stanford Avenue. The flat roofed garage is sited at the rear of this property but fronts onto Rugby Road, adjacent to no. 1 Rugby Road. The site is located within the Preston Park Conservation Area.
- 2.2 Nos. 30 – 32 Stanford Avenue are a pair of large late Victorian semi-detached villas, comprising part of a group with nos. 34 – 40. They have gabled ridged roofs and brick and render front facades. Their backs are visible from Rugby Road and have rendered rear facades and ridged roofed and gabled rear wings.
- 2.3 The street scene in Rugby Road is very consistent in height scale, form, building line, style and materials and has a strong architectural unity. On the north side of Rugby Road is a row of smaller closely spaced semi-detached late Victorian houses with gabled and ridged roofs. The one adjacent to the site, no. 1 is an anomaly in that it is one of a group of 3 attached houses. The western end ones nearly all have red brick front facades with canted flat roofed window bays. Other houses in Rugby Road have gabled bays. The exceptions are a short terrace of four houses opposite the site, three of which have flint and brick facades and the western end one having a stucco façade with ornate canted barge boards. They originally would have had slate roofs but most now have

concrete corrugated tiles. Those at the eastern end have red brick ground floor facades and pebble-dashed first floors.

3 RELEVANT HISTORY

BH2012/03990 Demolition of existing garage and erection of two storey 1no bedroom house – Refused 13/02/2013 (The reasons for refusal referred to the appropriateness of a dwelling, the impact on the Conservation Area, and impact on neighbouring amenity).

78-2474 Erection of double garage at rear having access to Rugby Road – granted 21/11/78

Site rear of 18 Southdown Road and adj to 51 Rugby Road Brighton

BH2005/05964 Demolish existing single storey garage and construct one residential unit – Approved 09/01/2006

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing garage and the erection of a two storey 1no bedroom house.

4.2 The details of the proposal are as follows:

- Size: The 2 storey building would measure 6.7m in depth and 5.6m in width. The roof would be pitched with an eaves height of 3.6m and a ridge height of 6.9m.
- Siting: The building would have the same front building line as the existing garage.
- Fenestration: Windows are proposed on the front, side (west) and rear elevations. The first floor rear windows are proposed to be obscure glazed and fixed shut.
- Materials: The walls would consist of brickwork, with aluminium framed windows, metal balcony balustrade, and slate roof tiles.
- Amenity Space: garden space surrounding the rear and side (west) elevations of the building and a first floor front elevation balcony.
- Car parking: The scheme does not include off-street car parking.
- Cycle storage: within the garden space.
- Refuse Storage: within front garden area behind the boundary wall.

4.3 In this resubmission, the proposed property would have brickwork walls rather than render, the front of the roof has been scaled back to behind the balcony, and the low lying boundary wall has been removed to leave an open front boundary.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Seven (7)** letters of representation have been received from **30, 34 & 37 Stanford Avenue, 94 Waldegrave Road, 182 Springfield Road, Flat 1 3 Florence Road, and 7 Florence Road** in support of the application.

Internal:

5.2 Environmental Health: Comment

A contaminated land discovery strategy is recommended as an informative for this development

5.3 Access: Comment

The proposal appears satisfactory in respect of Lifetime Homes Standards.

5.4 Heritage:

This proposal follows the refusal of a previous similar proposal for the site. The proposal is to demolish the garage and build a two storey house on the same footprint. There is no objection in principle to the loss of the garage but the existing garage sits well forward of the prevailing, consistent building line in Rugby Road, even projecting further forward than the bays to the existing houses, and this raises concerns about the undue prominence of the proposed house in the street scene. This concern is compounded by the design of the proposed dwelling, which is a somewhat uncomfortable hybrid of traditional and contemporary approaches to a 'coach house' form.

5.5 The main change in comparison to the previous scheme is that the roof has been set back approximately one metre to the line of the first floor, but it remains over 600mm forward of the main building line.

5.6 The other main change is that the building would be finished in facing brick rather than render and this is welcome in principle, subject to the brick being a satisfactory match for the red brick of Rugby Road. Concern remains regarding the full width balcony, particularly as there is no detail of the proposed balustrade design. It is also considered that there is too much glazing on the street elevation. The pitch of the roof has been justified by reference to existing gable pitch in Rugby Road and the proposed gable should have a timber bargeboard.

5.7 The deletion of the previously proposed low front wall and gates is welcome in helping to the proposed dwelling to be more reasonably read as a coach house form, but it would be more appropriate to extend the existing high wall and to include a pair of tall gates (as suggested in the comments on the previous application).

5.8 Sustainable Transport: Comment

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.

5.9 The applicant is not proposing a boundary wall. This means that once the footway is reinstated, there is the potential for cars associated with the development to bump up the kerb and park on the small hardstand in front of the proposed dwelling. This is likely to result in vehicles overhanging the footway and damaging the surface of the footway. Ideally the applicant should

propose a short boundary wall and pedestrian entrance to prevent such parking occurring.

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

- QD4 Design – strategic impact
- QD5 Design – street frontages
- 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
- HO13 Accessible housing and lifetime homes
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations material to this application are the principle of development on the site, the impact of the proposed dwellings on the character and appearance of the street and the Preston Park Conservation Area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability, traffic and lifetimes homes issues.
- 8.2 **Principle of Development**
The site is located within the Built-up Area as designated in the Brighton & Hove Local Plan and currently consists of a private residential garage. The loss of the garage would not materially impact upon parking provision in the area; therefore no objection to the demolition is raised in this instance. Residential use of the site would be consistent with the NPPF that encourages the effective use of land by reusing land that has been previously developed (brownfield land).
- 8.3 The thrust of policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan is to require a high standard of design that emphasises and enhances the positive qualities of the neighbourhood and avoid town cramming.
- 8.4 The plot size for the proposed dwelling is considered to be very constrained. There would be limited circulation space around the dwelling with limited outside space. Taking into account the plot size and siting, it is apparent that the current use of the land as a garage is therefore more suited to the site than that of a more intensive use such as a new dwelling.

- 8.5 It is considered that the resultant dwelling would appear as a cramped form of development, due to the added height of the building to replace the garage, and with the neighbouring properties and gardens tightly surrounding it. This would be at odds with the more spacious regular shaped plots in the surrounding area.
- 8.6 It is noted that a planning application at the rear of no. 18 Southdown Road, adjacent to no. 51 Rugby Road (BH2005/05964) was approved for a residential unit in replace of a garage, which has been referred to by the applicant. However there are clear differences between the sites and the schemes which make them not directly comparable. The application site here is laid out differently due to the orientation of the immediately surrounding housing plots, with three dwelling sites from the adjoining street (Stanford Avenue) surrounding the site. The adjoining street of the 2005 development (Southdown Avenue) is at more of a 90 degree angle resulting in fewer rear elevations facing the development site. The previous development was a replacement lean-to structure attached to the side of the property. In this current proposal the dwelling would be a free standing and more prominent structure.
- 8.7 In the submissions, the applicant has referred to various measures of density. However these figures do not take into account the shape of the plot and the form of the building within it, and also does not take into account the nature of the surrounding plots and the prevailing context. The importance of these factors is evident when assessing the overdevelopment in this instance.
- 8.8 Overall it is considered that the proposal for a new dwelling, due to the site constraints and character, would result in an overdevelopment of the site, contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

Design and Appearance:

- 8.9 The existing garage sits significantly in front of the building line of the houses on the north side of Rugby Road but does not sit forward of the rear of No. 30 Stanford Avenue which backs onto Rugby Road. The proposed dwelling would be sited broadly on the footprint of the existing garage, and so in the same way as the existing garage, the proposed dwelling would be set further forward than the established building line of the dwellings on the north side of Rugby Road, even projecting further forward than the bays of these. The building would also be two storeys and so would be a more prominent building on the street scene compared with the existing single storey structure. The existing garage is screened from longer views from the west by the boundary wall of no. 30 Stanford Avenue and street trees, but it is clearly visible from the south and the east. Due to its positioning un-obscured from other buildings, the side elevations of the proposed building would be very visible on the street scene. It is noted that the roof has been set back on this new scheme. However it would remain forward of the building line, and the ground floor and balcony would still protrude forward by almost 2m.
- 8.10 The properties on this part of the north side of Rugby Road have a fairly uniformed appearance, with the road lined on both sides with closely spaced semi detached properties that create a strong architectural unity. The form of

the building reflects a coach house style building, however the size of the building, the eaves and ridge height, and the fenestration appear as a new house. The Heritage officer notes the design to be a somewhat uncomfortable hybrid of a traditional and contemporary approach to 'coach house' form.

- 8.11 The building would be finished in facing brick rather than the previously proposed render which is considered an improvement. Sufficient justification has also now been made regarding the proposed gable frontage. The proposed roof lights are now considered an appropriate type for the Conservation Area.
- 8.12 The exterior of the building would include a full width balcony metal balustrade. There is limited detail on the appearance of the metal balustrade. However, it is clear that full width metal balcony railings and the extensive glazing on the front elevation would be a prominent and striking modern appearance that would appear incongruous in context amongst the bay windows of neighbouring properties. The previously proposed low front garden wall has been removed from the scheme which is welcomed; however no new boundary treatment is now proposed which would not provide an appropriate appearance for the frontage of a dwelling.
- 8.13 Overall the design characteristics would detract from the character this highly coherent historic street scene, and would appear out of context with the larger more traditional properties on the north side of Rugby Road. As such the development would cause harm to the character and appearance of the existing building and the Preston Park Conservation Area, and thus be contrary to policies QD2, QD3 and HE6 of the Brighton & Hove Local Plan.

Impact on Amenity of Future Residents:

- 8.14 The size of the dwelling means that all rooms would be closely packed together, but the proposed room layout appears to provide suitable accommodation for future occupiers in terms of room size. The floor plans appear to show adequate room light and ventilation.
- 8.15 The proposal incorporates many of the Lifetime Home Standards including ground floor WC and sufficient turning space for wheelchair users in many rooms. It can be difficult for dwellings of a small footprint to comply with all standards where the only bedroom is on the first floor. Where practicable this meets the Lifetime Homes Standards and is considered acceptable subject to a planning condition.
- 8.16 Policy HO5 requires the provision of private usable amenity space in new residential development, appropriate to the scale and character of the development. The proposal would provide a small garden space and a first floor balcony. The garden space would be of an irregular shape and would be extremely narrow. It could be quite compact especially being boxed in by the walls of the building and the 2m high timber boundary fencing. However taking into account the size of the dwelling and the formation of a balcony at the front, on balance it is considered that the level of private amenity space, although cramped, would not warrant a reason for refusal in isolation.

- 8.17 The proposed low front wall and gates have now been removed from the scheme. No front boundary treatment is proposed. In terms of design, it would be more appropriate for the front boundary treatment to have a high wall and gates that continued the height of the existing wall of no. 30 Stanford Avenue to the west. However this would potentially result in a heightened sense of enclosure to the ground floor glazed doors, which highlights the cramped overdevelopment of the proposal. The issue of no front boundary treatment and its impact on transport is assessed below.
- 8.18 Storage for refuse and recycling would be provided in the front paving area and is considered acceptable.

Impact on Amenity:

- 8.19 The rear elevations of properties on Stanford Avenue obliquely face the site. The dwelling itself, as well as the surrounding amenity spaces, would intensify the use of the site in a cramped plot very close to neighbouring amenity spaces, especially the rear gardens of the application site and 34 Stanford Avenue. The proposed dwelling would appear incongruous from these gardens due to its proximity to the neighbouring gardens as well as the added height of the structure.
- 8.20 The proposed dwelling would be in close proximity to the converted flats within no. 1 Rugby Road; however this neighbouring property does not have any side windows of habitable rooms that would be affected by the proposal. The rear garden is also set away and would not be significantly affected.
- 8.21 Proposed windows and balconies for new buildings can have the potential to enable overlooking towards neighbouring properties and gardens. In this case the main windows of the dwelling (as well as the balcony) are located on the front elevation, and so despite being in close proximity to neighbouring properties, the potential for overlooking is reduced and the main views would be towards public areas.
- 8.22 The upper floor rear windows are for non habitable rooms which could include obscured glazing with a condition. No adverse impact on overlooking of neighbouring properties is envisaged with regard to the proposal.
- 8.23 Overall it is considered that the proposal is contrary to policy QD27.

Sustainable Transport:

- 8.24 The proposal does not include any off-street car parking spaces. There may be some level of overspill car parking as a result of this development. This could be from the loss of the garage as well as from future occupiers of the new residential property. However this level of overspill car parking in this instance is not considered to warrant a refusal of planning permission.
- 8.25 SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. The proposed space to the

side of the property in a covered store is considered acceptable subject to being secured by condition.

- 8.26 The existing vehicular crossover would be made redundant as a result of this development; and so a condition would be required to ensure that the footpath is reinstated.
- 8.27 Policy TR7 states that planning permission will be granted for developments that do not increase the danger to users of adjacent pavements, cycle routes and roads. There is no proposal for new boundary treatment on the front boundary of the site, and so this would enable a vehicle to park partly on the small hardstand in front of the dwelling and partly on the pavement. The Transport Team have commented on this, and have suggested that a boundary wall is required in order to prevent such parking occurring. However, a proposal for front boundary treatment cannot be conditioned in this instance. It has already been highlighted that any proposed boundary treatment may detract from the appearance of the street scene or cause amenity issues for future occupiers. Therefore it is considered that the use of the hardstand as a parking space would jeopardise highway safety, in particular pedestrians that use the public pavement on Rugby Road. This would be contrary to policy TR7.

Sustainability:

- 8.28 Proposals for new build residential development of this size on previously developed land should include a completed sustainability checklist, should achieve Level 3 of the Code for Sustainable Homes, and should meet all Lifestyles Homes Standards. The completed sustainability checklist details that the proposal would meet Code Level 3, to include efficient gas boiler and rainwater butts. Subject to conditioning to ensure at least Code Level 3, it is considered that the proposal is in line with the requirements of SPD08.
- 8.29 Policy SU2 requires all new developments to make provision for adequate refuse and recycling storage facilities. The applicant has identified the front garden for the location for bin storage. However further details for this could be conditioned.

Waste Management:

- 8.30 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. The submitted statement acceptably details how waste is to be minimised during demolition and construction works with regard to this policy.

Other matters

- 8.31 The existing garage use could have resulted in localised land contamination; the applicant would need to be aware of the situation with a contaminated land discovery informative, in the event that planning permission was granted.

9 CONCLUSION

The application is recommended for refusal for the reasons set out in section 11.

10 EQUALITIES

None identified

11 REASON FOR REFUSAL / INFORMATIVES

Reasons for Refusal:

1. The proposed development is considered to represent an uncharacteristic and inappropriate development in excess of what might reasonably be expected to be achieved on this limited plot site. Consequently the proposal represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The proposed dwelling would extend beyond the building line on Rugby Road, and by reason of its scale, height, footprint, positioning and design, would be an unsympathetic and dominant addition to the street scene. As such the development would cause harm to the character and appearance of the Preston Park Conservation Area and thus be contrary to policies QD2, QD3 and HE6 of the Brighton & Hove Local Plan.
3. The proposed dwelling, by reason of the height and proximity to site boundaries, would represent a cramped and overbearing development within the rear gardens of neighbouring properties on Stanford Avenue. This would be to the detriment of neighbouring amenity which is contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The development would enable the use of the existing hardstand as a parking space that would jeopardise highway safety, in particular pedestrians that use the public pavement on Rugby Road. There is no proposal for new boundary treatment on the front boundary of the site that would restrict this, and would therefore be contrary to policy TR7 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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.

PLANNING COMMITTEE LIST – 18/09/13

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

Plan Type	Reference	Version	Date Received
Site plan	340/P1	A	05 June 2013
Existing plan	340/P2	A	05 June 2013
Existing elevations	340/P3	A	18 June 2013
Proposed ground floor plan	340/P4	A	05 June 2013
Proposed first floor plan	340/P5	A	05 June 2013
Proposed elevations	340/P6	A	05 June 2013
Proposed elevations	340/P7	A	05 June 2013
Context study	340/P8	A	05 June 2013

