

# **ITEM F**

**Land to South of 32 Cambridge  
Grove, Hove, BN3 3ED**

**BH2013/02349  
Full Planning**

BH2013/02349 Land to South of 32 Cambridge Grove, Hove



<b><u>No:</u></b>	<b>BH2013/02349</b>	<b><u>Ward:</u></b>	<b>GOLDSMID</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land to South of 32 Cambridge Grove Hove</b>		
<b><u>Proposal:</u></b>	<b>Erection of 3no bedroom dwelling.</b>		
<b><u>Officer:</u></b>	Helen Hobbs Tel 293335	<b><u>Valid Date:</u></b>	16/07/2013
<b><u>Con Area:</u></b>	Willett Estate	<b><u>Expiry Date:</u></b>	10 September 2013
<b><u>Listed Building Grade:</u> n/a</b>			
<b><u>Agent:</u></b>	Alan Phillips Architects, 31 Montefiore Road Hove BN3 1RD		
<b><u>Applicant:</u></b>	Mr John Cramer, C/O Agent 31 Montefiore Road Hove BN3 1RD		

## 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 is **REFUSE** planning permission, subject to the reason(s) set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is a plot of land to the north of 76 The Drive and originally formed part of the garden area of that house. The site is within the Willett Estate Conservation Area. Nos. 20-36 Cromwell Road and 76 The Drive form part of a grade II listed properties. Cambridge Grove is located to the rear of the listed properties on Cromwell Road and was originally the mews serving those properties. Properties in Cambridge Grove are generally two storeys in height and contain a mix of residential and commercial uses. No. 32 Cambridge Grove is a two storey dwelling located on the western corner and is at right angles to the rest of the terrace. Both the plot of 32 and the application plot would have originally formed part of the garden of 76 The Drive. The remaining properties in the Cromwell Road properties all retain their rear gardens.

## 3 RELEVANT HISTORY

- BH2013/00254** Erection of 1no 3 bedroom dwelling. Refused 21st May 2013.
- BH2012/02186** Erection of detached dwelling house. Refused 17/10/2012.
- BH2000/02207/FP** Construction of 1 no. mews house. (Further revised proposals). Refused 07/03/2003. Appeal dismissed 29/12/2003.
- 3/88/1158** Outline application for a detached dwelling (on land adjoining) Refused 3/2/89. Appeal dismissed 15/01/1990.
- 3/88/0777** Outline Application. Demolition of existing dwelling and erection of three town houses. Refused 17/10/88

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a 3 bedroom dwelling. The dwelling would be two storey in height, although would appear single storey from Cambridge Grove as it is to be constructed on excavated ground. The layout of the dwelling would include 3 bedrooms and a bathroom at ground floor and a kitchen, living room and WC at lower ground floor.

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

##### **External**

- 5.1 **Neighbours: Nine (9)** letters of representation have been received from **Flat 12 – 65 The Drive, 1 Parham House – Chatsworth Square, 104 Eaton Road, Flat 5 Phillip Court – 74a The Drive, 32 Cambridge Grove, Flat 20 Drive lodge 68-70 The Drive, 1 Wilbury Mansions – 39-41 Wilbury Villas, 38 Marlborough Court – 46-48 The Drive and 49 Elm Drive** supporting the application for the following reasons:

- Good use of waste land
- Innovative design

- 5.2 **One (1)** letter of representation has been received from **Save Hove** objecting to the application the application for the following reasons;

- Loss of light to the properties on Cromwell Road
- Overshadowing
- Overlooking
- Impact upon the listed buildings and the conservation area

##### **Internal:**

- 5.3 **Environmental Health: Comment**

Recommend approval subject to the recommended informative for land contamination.

- 5.4 **Heritage: Comment**

Recommend refusal due to the effect of a new structure upon the openness of the site and the separation it currently gives between the grand Victorian terrace of Cromwell Road to the south and its mews to the north.

- 5.5 **Sustainable Transport: Comment**

Recommended approval as the Highway Authority has no objections to this application subject to the recommended conditions.

- 5.6 **Access Officer: Comment**

The application is satisfactory for Lifetime Homes.

- 5.7 **Arboriculture (comments from previous application BH2012/02186 and BH2013/00254): Comment**

There is one small, juvenile Elm on site.

The Arboricultural Section would recommend that this tree is felled, and a suitable species planted on site to replace it, perhaps one or two fruit trees on

dwarf root stock may be suitable for this location. Overall, the Arboricultural Section has no objection to this application

5.8 **CAG: Object**

Recommend refusal due to the design being contrary to Policy HE6, in that the proposal fails to preserve or enhance the character or appearance of the conservation area.

**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:

- Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of ;
- East Sussex and Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coal yard 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 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)

Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards

## PLANNING COMMITTEE LIST – 18/09/13

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
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
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

### 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

### City Plan Part One (submission document)

SS1	Presumption in the Favour of Sustainable Development
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations material to this application are the principle of development on the site, the impacts of the proposed dwelling on the character and appearance of the street, surrounding Willett Estate Conservation Area and the adjacent listed properties, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability, traffic and lifetimes homes issues.

### **Planning Policy:**

- 8.2 The thrust of policies QD1, QD2 and QD3 of the Local Plan is to require a high standard of design that emphasises and enhances the positive qualities of the neighbourhood and avoid town cramming. Local Plan Policies HE3 and HE6 seek to ensure that development does not have an adverse impact on the setting of listed buildings or the character and appearance of conservation areas.
- 8.3 The properties to the south are large semi detached properties which are Grade II listed. These properties have long gardens, which abut the mews buildings fronting Cambridge Grove. No. 76 The Drive has been subdivided into flats and



the original long garden has been divided into the garden space of 76A and 76B, as well as the application site. This subdivision appears to have been in place for over 10 years.

- 8.4 The properties fronting Cambridge Grove are two storey mews properties with small rear gardens. No. 32 Cambridge Grove is an anomaly within the area, in terms of design, appearance and siting. It is sited at right angles to Cambridge Mews, with an 'L' shaped footprint, flat roof and plain elevations, and appears to have been built later than the original mews buildings.
- 8.5 The site has had three previous refusals for the erection of a new dwelling house (refs: BH2000/02207/FP, BH2012/02186 & BH2013/00254). The older application (ref: BH2000/02207/FP) was subsequently dismissed at appeal on the grounds that the proposal would significantly affect the Willett Estate Conservation Area. The inspector stated that the proposed dwelling would 'fill a good proportion of the remaining gap between the Cromwell Road properties and the mews, fronting Cambridge Grove and harm the open relationship. As such the proposal would have an adverse effect on the openness of the garden area, interrupting the general view and outlook when seen from The Drive'.
- 8.6 The 2012 application (ref: BH2012/02186) differed in size and design to that of the previously refused scheme in 2000, as it proposed a two storey property that would closely match the design and scale of No. 32 Cambridge Mews and in fact from the front would have been a mirror image of this property. This application was refused on similar grounds to the first application, due to the harmful loss of openness between the grade II listed properties and the mews buildings, the design of the dwelling appearing incongruous in this historic mews setting, as well as the dwelling having an overly dominant and overbearing impact upon the neighbouring gardens.
- 8.7 The 2013 application (ref: BH2013.00254) proposed what would have appeared to be a single storey dwelling on account of the excavated lower ground level. The front boundary wall would have been in the form of a 2.7m green wall, spanning the full width of the plot. This application was again refused on grounds similar to the previous applications.
- 8.8 The current proposal is similar to the most recent application in that it would appear single storey from the road due to the creation of a lower ground level, however the proposed dwelling would have a different orientation, siting and front boundary treatment. Notwithstanding these changes, the principle of the scheme for an additional dwelling on this plot is unacceptable. The proposal does not sufficiently improve the lack of openness of the site, as the height of the dwelling remains the same, albeit over a shorter frontage. The proposed modern design of the dwelling would also be out of keeping and the proposal is therefore considered to have a significantly harmful impact upon the Willett Estate Conservation Area and open setting to the rear of the listed buildings.
- 8.9 The dwelling would result in the loss of this plot which has historically formed garden land and this 3 bedroom property would result in an overdevelopment of the land. It would appear incongruous within this locality due to the loss of the

important spacing around and between properties which currently exists, therefore resulting in town cramming, out of keeping with the surrounding conservation area.

- 8.10 Whilst the Inspector in 2000 stated that the site is far enough away from the listed buildings not to harm their setting, the Heritage Officer disagrees and states that the dwelling would have a harmful impact. The open rear gardens are clearly a key element in the character and setting of the listed properties and its important relationship to the mews properties to the rear. This spacing and visual break between the Cromwell Road properties and their mews remains largely intact.

### **Design**

- 8.11 This site is to be excavated down a maximum of 3m, to accommodate a lower ground floor to appear as single storey from the adjacent road. The dwelling would face the south, with solid walls to the west, east and north elevations. It would be positioned on the northern half of the plot and would be the full depth of the plot. The western elevation would form part of the front boundary, spanning 6.5m of the plot with a height of 2.7m. Amended plans have been received during the course of the application, which have sought to address some of the issues regarding the front boundary that have been raised by the Heritage Officer. The boundary would now drop down to a height of 1.1m. Where the boundary drops down in height, the dwelling is still visible along the boundary as it would have a splayed corner angled away from the boundary. The gate would be positioned to the southern side and allows access into the dwelling via an external staircase down to the lower ground entrance.
- 8.12 The applicant has stated that the design of the front boundary wall would maintain the openness of this plot. However it is considered that this would not sufficiently improve the lack of openness, as the height of the dwelling would remain the same and would cover over half of the plot. Furthermore parts of the boundary itself would be significantly taller than typical side and rear garden walls in the Willett Estate, and bears no resemblance to the character of the surrounding buildings. Whilst the proposed gate has been designed to match the gate at No. 76b The Drive, it would appear as an incongruous feature which would poorly relate to the height of the boundary wall.
- 8.13 The appearance of this frontage would appear out of keeping and overly dominant within the Cambridge Grove street scene and would not be sympathetic to its surroundings. It would therefore still result in the loss of the current open views across the gardens.
- 8.14 The dwelling would have a flat roof with solar panels on top. Amended plans have been received to show that the photovoltaics would lay flat against the roof. Whilst this would make them less prominent, the height of the roof and the gradient of The Drive, the panels would still be highly visible and are considered inappropriate features in this location, particularly given the high number of panels.



- 8.15 The glazing would all be positioned on the south elevation, resulting in the large blank walls to the other sides which would be fully visible especially from Cambridge Grove and the listed villas in Cromwell Road. Both storeys of the proposed dwelling would also be visible from some views, and therefore given the large expanse of brick, the proposed dwelling would appear overly bulky, further exacerbating the loss of the openness.
- 8.16 The south elevation would also contain a projecting ensuite shower enclosure on the upper floor which would be clad in obfuscated Profilit glazing system. This feature would be visible from the street scene and the surrounding properties and due to its projecting nature and materials, would appear incongruous. The glazing on this elevation involves full height folding doors at lower ground floor. The ground floor has a mix of full height folding doors and timber panels which have been poorly positioned. The splayed corner appears contrived. This elevation, due to the use of materials, window pattern and projecting elements overall results in a discordant appearance.
- 8.17 The overall design of the dwelling is modern and minimalist. It does not reflect either the Victorian mews architecture of Cambridge Grove or the surviving vinery / orangery glasshouses on their raised arcaded platforms in the rear gardens of the Cromwell Road villas. It would appear discordant in this locality which has a very strong and distinctive character and is almost entirely late Victorian. It would still result in the loss of the open space between the Cromwell Road frontage and the mews at the rear.

#### **Standard of Accommodation**

- 8.18 The proposed dwelling would accommodate 3 bedrooms with the amenity space being provided at the rear lower ground level. The 3 bedroom house as proposed forms a good sized standard of accommodation. It is acknowledged that there would be no provision of natural light from the west and east elevations, however given the amount of glazing on the south elevation, this would provide adequate light, ventilation and outlook. One concern is that these windows would be largely overlooked, particularly from the upper floors of No. 76 The Drive. However given the distance separating these properties and that a degree of mutual overlooking is expected within an urban location, the proposal would still provide adequate accommodation.

#### **Lifetime Homes**

- 8.19 Local plan policy HO13 Accessible housing and lifetime homes, states that proposals for new residential homes will only be permitted if they are built to Lifetime Home Standards, whereby they can meet the needs of people with disabilities without major structural alterations.
- 8.20 The applicant has stated within the Design and Access Statement that it will be built to lifetime home standards. The Access Officer has raised no objections and therefore if the principle of the proposal was acceptable, a condition would be attached to ensure that Lifetime Homes standards were met.

#### **Impacts on the Amenity of Adjacent Occupiers**

- 8.21 Policy QD27 seeks to protect proposed, existing and/or adjacent users, residents and occupiers from harmful development or changes of use and development.
- 8.22 The gardens of the properties on Cromwell Road are set at a lower level than the application site. As with the previous application, there still appear to be some inaccuracies on the plans in terms of the height of the existing rear boundary fence and the ground level of the garden and outbuilding of No. 20 Cromwell Road as well as the existing window location and design of the adjoining properties. The dwelling would be positioned upon this boundary and would have a width of 6.5m. Regardless of the inaccurate plans, given the width and height of the dwelling on this boundary, the proposal would result in an unacceptable impact in terms of overbearing and sense of enclosure to the garden of No. 20 Cromwell Road. The proposal would have a similar impact upon the property to the north No. 32 Cambridge Grove. The shared boundary is currently in the form of 2m high trellising which allows light through and does not have the same impact as a solid boundary. The solid wall of the dwelling would not only enclose the property and garden space of No. 32, given the orientation of the properties it would also result in overshadowing and loss of light.
- 8.23 The glazing would have a southerly aspect and would face directly onto No. 76 The Drive. The lower ground glazing and garden, given their sunken positioned would not result in any overlooking or privacy issues. The ground floor windows would mainly be screened by the existing boundary fence and would be approximately 17m from the nearest windows. The dwelling could provide views into the upper floor windows on No. 76, however this harm is not considered significant as it would not be direct overlooking and the properties are sited within an urban location where mutual overlooking does occur. It is therefore considered that there would not be any significant overlooking or loss of privacy.

### **Sustainability**

- 8.24 Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within supplementary planning document 08, sustainable building design, recommends that a development of this scale incorporates a sustainability checklist and meets Level 5 of the Code for Sustainable Homes (CSH).
- 8.25 The application is accompanied by a sustainability checklist which indicates an aim to achieve at least Level 5 of the CSH. This is considered an appropriate level to attain for this site. If the proposal had been acceptable, this could have been ensured by condition.
- 8.26 Policy SU2 requires all new developments to make provision for adequate refuse and recycling storage facilities. The applicant has stated within the Design and Access statement that these facilities have been included in the scheme; however it is not clear on the plans where they would be positioned. The site has adequate space for a bin and bicycle store and so further details for this could be conditioned, if the proposal were considered acceptable.

### **Transport**

- 8.27 Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered and secured cycle parking facilities for residents. The development does not provide any off-street parking and the site is located within a controlled parking zone.
- 8.28 The Transport Officer states that the proposal is in compliance with the standards set out in SPG04, and therefore has no objections in principle. The site is within close proximity to a range of public transport including Hove railway station and local facilities; therefore if the application were acceptable, a standard condition requiring the development to be car free would be attached to any approval.
- 8.29 The applicant has stated within the Design and Access statement that level access has been provided for a bicycle store. The bicycle store is not evident on the plans, however it would appear that there is adequate space for a store and therefore if the application were to be acceptable, a condition could be attached to any approval requesting further details to be approved.

### **Arboriculture**

- 8.30 The Council's Arboriculturalist has raised concerns regarding a small, juvenile Elm on site. It is recommended that if the development were to be acceptable, the tree is felled and a suitable species planted on site to replace it. Therefore a condition would need to be attached to any approval, requiring further details of a landscaping scheme.

### **Environmental Health**

- 8.31 The Environmental Health Officer has commented on the application and advises that as the site is situated approximately 15m away from The Drive where noise due to traffic may have an impact on future residents.
- 8.32 It is noted that the façade facing the road does not contain any windows. Therefore in this instance an acoustic report will not be required especially as any potential purchasers/users of the property will be aware that it is situated near to a busy main road.
- 8.33 The proposed site is located close to several motor car garages along Cambridge Grove. Such uses may have resulted in localised land contamination both on site and adjacent to it. Additionally, there is a derelict tank in Cambridge Grove. Therefore, whilst this site is not on potentially contaminated land, due to its close proximity to such sites a Contaminated Land Discovery condition would be suitable for this development simply for the unexpected situation that potential land contamination is discovered during works. This could be addressed by condition if the scheme were otherwise acceptable.

## **9 CONCLUSION**

- 9.1 The development would result in a harmful loss of openness between the listed buildings fronting Cromwell Road and the mews buildings at the rear, to the

detriment of the prevailing character and appearance of the Willett Estate conservation area. Furthermore the proposal would fail to respect or enhance the local context and the positive qualities of the local neighbourhood. The development would be detrimental to the amenity of adjoining properties.

## 10 EQUALITIES

- 10.1 The building would have to meet Part M of the Building Regulations, and could reasonably be controlled by condition, if the principle of the proposal were acceptable.

## 11 REASON FOR REFUSAL / INFORMATIVES

### 11.1 Reasons for Refusal:

- 1) The development would result in a harmful loss of openness between the Grade II Listed properties on The Drive/Cromwell Road and the mews buildings in Cambridge Grove, to the detriment of the prevailing character and appearance of the Willett Estate Conservation Area, contrary to policies QD2, HE3 and HE6 of the Local Plan.
- 2) The development, by reason of its siting and scale as well as the increased height to the boundaries, would appear overly dominant and overbearing, particularly from the neighbouring gardens of Cromwell Road and constitutes a cramped form of development. The proposal would therefore fail to respect or enhance the local context and the positive qualities of the local neighbourhood and would have a negative impact upon the amenity of the adjoining properties, contrary to policies QD1, QD2, QD3 and QD27 of the Local Plan.
- 3) The proposed dwelling, by reason of its design, materials and detailing would appear incongruous within the historic mews setting, to the detriment of the Willett Estate Conservation Area, contrary to policies QD1, QD2, QD3, QD5 and HE6 of the Local Plan.
- 4) The development, by reason of its siting and scale would result in a loss of light and overshadowing to neighbouring properties, in particular No 32 Cambridge Grove. The proposal would therefore have a harmful impact upon the amenity of these adjoining properties, contrary to QD27 of the Local Plan.

### 11.2 Informatives:

- 1) In accordance with the National Planning Policy Framework and Policy SS1 of the 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.
- 2) This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location plan	CG.01		12th July 2013
Block plan & Aerial views	CG.02		12th July 2013
Context images	CG.03		12th July 2013

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Site plan	CG.04		12th July 2013
Existing plan	CG.05		12th July 2013
Existing street/rear elevation	CG.06		12th July 2013
Existing north elevation	CG.07		12th July 2013
Proposed lower ground floor plan	CG.08		12th July 2013
Proposed ground floor plan	CG.09		12th July 2013
Proposed roof plan	CG.10	A	13th August 2013
Proposed section A-A	CG.11	A	13th August 2013
Proposed street/rear elevations	CG.12	A	13th August 2013
Proposed north & south elevations	CG.13	A	13th August 2013
Proposed photo montage	CG.14		13th August 2013

