

ITEM C

Flat 3, 5 Preston Park Avenue, Brighton

BH2013/03162
Full planning

08 JANUARY 2014

BH2013/03162 Flat 3, 5 Preston Park Avenue, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

PLANNING COMMITTEE LIST- 08 JANUARY 2014

<u>No:</u>	BH2013/03162	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat 3 5 Preston Park Avenue Brighton		
<u>Proposal:</u>	Conversion of first and second floor maisonette to form 2no self-contained flats incorporating rooflights to front and rear elevation and flat roof.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	18 September 2013
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	03 February 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	LF Architecture Ltd, Monkyn Pyn, Thornwell Road, Wilmington BN26 6RL		
<u>Applicant:</u>	D Golding, Second Floor, 5 Clifton Mews, Clifton Hill, Brighton BN1 3HR		

This application was deferred from Planning Committee on 11 December 2013 to amend the site location plan.

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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a two storey building property located on the eastern side of Preston Park Avenue. The building includes basement and attic levels, and is currently divided into flats at basement and ground floor level with a maisonette occupying the first and attic floor levels. A separate detached dwelling, 'Yew Tree House', is set within the former garden area at the rear of the property. The curtilage of Yew Tree House includes a pitched roof garage set to the side of the main building at 5 Preston Park Avenue.
- 2.2 The surrounding area comprises similar semi-detached buildings, the majority of which have been sub-divided into flats with separate houses set in the rear gardens. Preston Park sits opposite to the west.
- 2.3 The site is located within the Preston Park Conservation Area and Controlled Parking Zone J.

3 RELEVANT HISTORY

BH2012/01753- Conversion of existing first and second floor maisonette to form 2no self contained flats and installation of rooflights to front and rear elevations. Refused 06/08/2012 for the following reason:

1. *The proposed cycle and bin store, by virtue of its inappropriate location at the front of the building within an area of planting, would be visually intrusive in the street scene and detrimental to the character and appearance of the street scene and the surrounding Preston Park Conservation Area. As such the proposal would be contrary to Policies HO9, QD14 and HE6 of the Brighton & Hove Local Plan 2005.*

Appeal dismissed

BH2012/00528- Conversion of existing first and second floor maisonette to form 2 no self contained flats and installation of rooflights to front, side and rear elevations. Withdrawn 04/04/2012.

BH2007/01924- Erection of eco-house to rear garden and extension and conversion of existing coach house into single dwelling (revised scheme to that approved ref BH2006/01885). Approved 08/08/2007.

BH2006/01885- Erection of two storey dwelling in rear garden and extension/conversion of existing garage to form a one bedroom dwelling house. Approved 31/08/2006.

4 THE APPLICATION

- 4.1 The application is a re-submission of application BH2012/01753 and seeks planning permission for the conversion of the existing first and second floor maisonette into 2 self-contained flats, including the installation of rooflights to the front and rear elevations. This application as submitted sought to address the reason for refusal by re-locating the refuse and bicycle store to a position closer to the main building. This element of the proposal has been subsequently amended with the covered bicycle and bin stores removed and replaced by a hardstanding for bins in the northeast corner of the front garden and a 'Sheffield' bicycle stand adjacent to the driveway.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Fourteen (14)** letters of representation have been received from **4a; 5b (Yew Tree House); Flat 1, 5; Flat 2, 5 & Flat 1, 6 Preston Park Avenue**, objecting the application for the following reasons:

Initial submission:

- The bicycle/bin store is unsightly and out of keeping with the conservation area
- The existing garden is one of the last remaining unspoilt gardens in Preston Park Avenue and should be preserved
- The bin store is close to a bedroom window at basement level and will cause a health hazard
- The cycle store at 1.3m high is not tall enough to get bicycles in or out
- There is insufficient space between the store and parked vehicles on the driveway to manoeuvre bicycles and bins
- The stores are too small and will be bigger in the garden than shown on the drawings
- The planting will not disguise the stores

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- The plans show three exposed bins behind the front wall, currently there are only two
- A three-bedroom flat is more in keeping with the conservation area than two smaller flats
- Overdevelopment of the site
- Loss of light and overshadowing to the basement flat
- Noise disturbance from use of the stores
- Loss of future potential access to basement flat from front of site. Access will remain across land owned by 5b Preston Park Avenue

Following Amendments:

- The revised bin store is in the same position as refused by the appeal inspector
- Four bins is not more discrete than two as existing
- The cycle stand will require removal of planting
- Insufficient room to access the stand adjacent to parked cars
- The cycle stand is a security risk by attracting burglars/thieves
- The cycle stand is on lane belonging to Yew Tree Cottage, not the applicants

Internal:

5.2 **Sustainable Transport:** No objection

5.3 **Access:** No objection

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) is a material consideration.

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
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Infrastructure
QD14	Extensions and alterations
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Document

SPD08	Sustainable Building Design
SPD12	Design guide for extensions and alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact the proposal will have on the character and appearance of the property and wider Preston Park Conservation Area, its impact on the amenities of neighbouring properties, the standard of accommodation to be provided, and sustainability issues and transport issues.
- 8.2 The proposed sub-division of the upper floor maisonette into a three bedroom flat and a one-bedroom flat remains as per the previous scheme BH2012/01753 where it was found to be in accordance with policy HO9 of the Brighton & Hove Local Plan. Similarly, the layout and standard of accommodation provided by the proposed flats and its impact on adjacent occupiers remains as previous and in

accordance with policies HO9, HO13 and QD27 of the Brighton & Hove Local Plan. The external alterations to the building, namely the introduction of single rooflights to the front and rear elevations and three rooflights to the flat roof above, also remain as per the previous scheme BH2012/01753 and in accordance with policies QD14 and HE6 of the Brighton & Hove Local Plan. The sustainability credentials of the development include improved insulation and boiler upgrades, and were considered to be in accordance with policies SU2 of the Brighton & Hove Local Plan. These elements of the proposal were also found also to be acceptable by the Appeal Inspector in refusing application BH2012/01753. There have been no material changes to these aspects of the proposal, or to the site or surroundings, that would warrant a different conclusion being made.

- 8.3 The main consideration therefore is the impact of the proposed re-located refuse and bicycle store on the appearance of the building, wider Preston Park Conservation Area, and amenities of neighbouring properties.

Refuse and bicycle storage

- 8.4 The previous application BH2012/01753 proposed a permanent brick and timber bin and bicycle stores to the northern side boundary of the front garden, to be partially disguised by new planting. The application was refused planning permission on the grounds that this arrangement would be harmful to the garden setting of the building to the detriment of the wider street scene and Preston Park Conservation Area. This view was supported by the appeal inspector who dismissed the appeal accordingly.
- 8.5 The current proposal, as amended, seeks to place a new hardstanding to the front northeast corner of the front garden to accommodate four refuse bins, one for each existing and proposed flat in the building. This would be a more discrete position than the current standing for two bins along the front boundary. Whilst covered stores are generally preferred, given the constraints of the site with no available space to the side or rear of the building, a permanent covered store at the front of the site would be obtrusive in the street scene and harmful to the character and appearance of the building and Preston Park Conservation Area. The current proposal for a hardstanding for wheel bins is considered more discrete and better preserves the setting of the building and wider Conservation Area.
- 8.6 Residents have raised concern that the hardstanding would be in the same place where the bin storage was previously refused on appeal. In dismissing the appeal (BH2012/01753), the Inspector was clear in his judgement that the 3m long and 1.5m high bin store would appear a utilitarian box-like structure that would be quite large in relation to the front garden and dominate views from the basement flat. The associated screen planting was deemed to have little mitigating influence. The Inspector noted the presence of wheelie bins in the street scene, but concluded that their presence was not a sound argument to allow a harmful permanent built structure such as that proposed. In this case, no permanent structure is proposed other than a small hardstanding at ground level, capable of holding up to four wheelie bins. The location of the hardstanding is in the front corner of the site, not midway along the boundary as previous, or with large areas

of associated screen planting. The hardstanding would replace the existing, which is located central to the front boundary and highly visible within the street scene, disrupting the appearance of the site. For these reason it is not considered that the proposed hardstanding for wheelie bins is directly comparable to the larger permanent box-like structure and associated screen planting refused previously on appeal.

- 8.7 With regard to bicycle storage, policy TR14 and SPGBH4 requires secure covered storage for two bicycles for a development of this scale. The only feasible position for such a facility is to the front of the building as all other areas to the side comprise access and driveway for the basement flat and rear house. Any store in this area would therefore obstruct access to other residential properties. As submitted the application proposed a low brick and timber store adjacent to the building. This store would have added permanent bulk and clutter to the front of the building that would have been generally harmful to the appearance of the building and Preston Park Conservation Area. Further, the store would have accommodated only one bicycle, not the two required. Given the absence of any other suitable location within the site for such a structure, the applicants have now proposed a single 'Sheffield' stand adjacent to the driveway, to accommodate two bicycles. Although not covered storage, this approach is discrete and better balances the need to provide cycle storage for the development and preserve the appearance of the building and wider Conservation Area.
- 8.8 Residents have objected to the single black painted stand on the grounds that it will require the removal of planting, would not be accessible adjacent to parked cars, represents a security risk, and is not located on the applicant's land. The applicants have confirmed that the stand is located on the applicant's land. This is confirmed by the red line site plan. It would require the removal of a minimal number of very low and insubstantial plants and would be located approximately 1m from the nearest parked vehicles on the shared driveway for all flats to the building and Yew Tree House to the rear. This is sufficient to be readily accessible without requiring substantial alteration to the site. There is no evidence that the presence of a cycle stand will result in increased burglaries or theft as claimed by residents. For these reasons the proposal is now considered to acceptably balance the requirements of policies SU2, TR1, TR14 and HE6 of the Brighton & Hove Local Plan.

9 CONCLUSION

- 9.1 The proposed sub-division of the maisonette is considered acceptable in principle, would provide two residential properties of a suitable standard, and would not have a harmful impact on the amenities of adjacent occupiers or the appearance of the building and wider Preston Park Conservation Area, in accordance with development plan policies.

10 EQUALITIES

- 10.1 The development is required to meet Lifetime Homes standards

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Site plan, block plan, existing floor plans, and existing and proposed elevations	07C/2013	-	09/12/2013
Proposed floor plans and sections	08A/2013	-	21/11/2013

- 3) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies H09 and QD27 of the Brighton & Hove Local Plan.
- 4) The development hereby permitted shall not be occupied until the bicycle stand shown on the approved plans has been fully installed and made available for use. The stand shall be painted black and thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided, to encourage travel by means other than private motor vehicles, and ensure a satisfactory appearance to the development in compliance with policies TR14, HO9 and HE6 of the Brighton & Hove Local Plan.
- 5) The rooflights hereby approved to the front and rear roof slopes shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 6) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

- 7) The development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 16 September 2013 have been fully implemented, and such measures shall thereafter be retained as such.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.2 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.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed sub-division of the maisonette is considered acceptable in principle, would provide two residential properties of a suitable standard, and would not have a harmful impact on the amenities of adjacent occupiers or the appearance of the building and wider Preston Park Conservation Area, in accordance with development plan policies.