

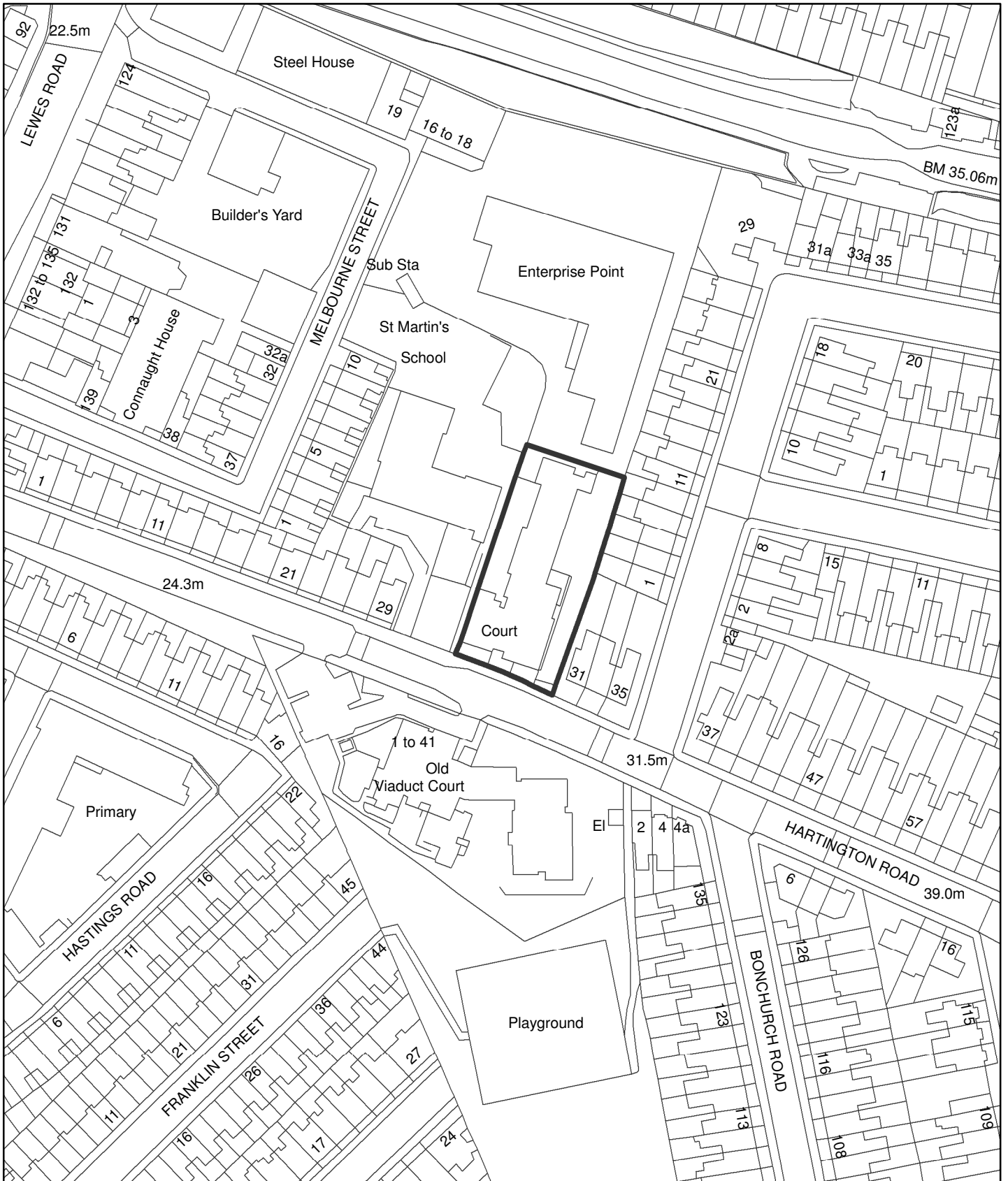
ITEM G

Gladstone Court, Hartington Road, Brighton

BH2013/03987
Full planning

19 FEBRUARY 2014

BH2013/03987 Gladstone Court, Hartington Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANNING COMMITTEE LIST- 19 FEBRUARY 2014

<u>No:</u>	BH2013/03987	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Gladstone Court Hartington Road Brighton		
<u>Proposal:</u>	Erection of three storey side extension to form 6no one bedroom flats and 3no two bedroom flats.		
<u>Officer:</u>	Anthony Foster Tel 294495	<u>Valid Date:</u>	02 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27 January 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	Lincoln Holland JV Ltd, S Hardwick, C/O Lewis & Co Planning , 2 Port Hall Road, Brighton BN1 5PD		

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 site relates to a 4 storey purpose built block of flats located on the northern side of Hartington Road, adjacent to St Martins Primary School. The property appears as a three storey building to the front elevation and four storeys to the rear due to the change in level across the site, from south to north. Vehicular access to 7 no parking spaces is provided to the east of the property.
- 2.2 The site is also located at a lower level than the adjoining residential properties to the east which front onto Shanklin Road. This level change is circa 3m in height. The properties on Shanklin Road are three stories in height including a basement level which provides access to the rear gardens of those properties.

3 RELEVANT HISTORY

BH2013/00437 - Conversion of existing common room and guest rooms into 1no one bedroom and 1no four bedroom flats including exterior alterations to fenestration at ground floor level. Approved 24/05/2013

83/1138 – Erection of four-storey block of flats for the elderly to include communal accommodation and guest flat. Approved 14/11/1983

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a three storey side extension to form 9 no flats. The proposed units would be accessed from the existing hallway within Gladstone Court. Six no. 1-bed flats are proposed and three no. 2-bed flats are proposed. The proposed flats would have a single aspect and

include an open plan living room/kitchen area, bedroom(s) and wet room. The proposed extension would be finished in materials to match the existing building.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Three (3)** letters of representation have been received from **9 Shanklin Road, Ground Floor Flat, 7 Shanklin Road** and an unspecified address objecting to the application for the following reasons:

- It will result the loss of light to existing and adjoining occupiers
- The existing level of parking will be reduced resulting in more people parking on the street which is already an issue
- Increased level of overlooking and loss of privacy
- Increased noise and disturbance

5.2 **Five (5)** letters of representation have been received from **89 Shirley Street (x2), 36 Gladstone Court (x2), 27 Hill Brow** in general support of the application.

Internal:

5.3 **Environmental Health: Comment**

Approve with suggested conditions. The site was built directly on an old railway and therefore suggest the Contaminated Land Discovery Strategy Condition. The flats are to be built above a car park and therefore recommend that ceiling/floor between the car park and residential premises exceed Building Regulations Part E.

5.4 **Sustainable Transport: Comment**

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary condition and that the applicant enters into a S106 agreement for £6,750 towards public transport improvements and the need to provide a Travel Pack for first occupiers.

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;

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- 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
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
QD14	Extensions and alterations
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
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
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 design of the extension and its impact upon neighbouring properties, the impact of the subdivision of the property upon the amenity of neighbours, the quality of the residential accommodation created, transport issues and environmental sustainability.

Principle:

8.2 The application proposes an additional 9 residential units. At present, there is no agreed up to date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.

Design:

8.3 Brighton & Hove Local Plan policies QD2 and QD14 require new development, including extensions to existing buildings, to exhibit a high standard of design that emphasize the positive aspects of the local area. The existing building is a 1980's purpose built block of flats with vehicular access located to the east of the main building.

8.4 The proposed extension seeks a three storey extension to the existing east elevation of the property which would be raised on 'stilts' to retain the existing parking for the site. The existing windows on the east elevation serve internal hallways which provide access to the existing flats. The existing flats are single aspect units which face to the west.

8.5 The proposed extension would effectively be a four storey extension, circa 12m in height, as it seeks to retain the existing parking arrangement. The proposed extension would be set down by 1m from the ridge height of the existing building, with a hipped roof of a similar pitch of the existing roof. The proposal

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would extend 7.3m, including the bay window projection, from the existing east elevation.

- 8.6 The extension would be finished in brick to match the existing and the windows would be painted timber.
- 8.7 In terms of the impact of the extension upon the street scene of the area the extension would project 1.8m beyond the flank elevation of the street facing element of the existing building, and as such it is considered that the proposal would have a limited impact upon the street scene. However it is considered that the overall design of the extension is not in keeping with the character of the existing building or the area. The pattern and type of fenestration is not in keeping with the existing building, with little relief proposed between the sections of angled bays resulting in the elevation appearing cluttered and of a poor standard of design.
- 8.8 The proposed roof detailing is also not considered to fit with the existing character of the building, mainly due to the complex arrangement of existing roof slopes. The proposal therefore does not consider the comprehensive redevelopment of the eastern elevation which potentially could result in a more satisfactory appearance for the development as a whole. As such the extension appears as a bolt on extension which pays scant attention to the character of the existing building other than its use of materials.
- 8.9 It is therefore consider that the proposed extension by virtue of its scale, design and detailing would result in an overly dominant addition that would have a significantly detrimental impact upon the appearance and character of the building, the wider area, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan, and the Supplementary Planning Document 12: Design Guide for Extensions and Alterations (SPD012).

Impact on Amenity:

- 8.10 Policies QD14 and QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.11 It is considered that the proposed extensions would have a detrimental impact upon the residential amenity of the adjoining occupiers of the residential properties to the east which front onto Shanklin Road. The proposed extension would bring additional built form closer to the shared boundary with the residential properties to the north. The extension would come within 3.2m of that shared boundary compared to the existing 11m separation. The additional built form along that boundary, particularly at second and third floor level, would result in a significant increase in the sense of enclosure due to the increased building bulk.
- 8.12 The applicant has sought to reduce the potential impact of the development upon the neighbouring occupiers by providing angled bay windows, these seek

to restrict views from the proposed habitable windows. The drawings show that the larger panes of glass would be obscurely glazed. Whilst this helps to reduce the potential for overlooking, due to the relationship with the properties fronting onto Hartington Road some overlooking would take place. Also two bedroom windows are proposed at second and third floor which are not angled nor are they obscurely glazed. These windows which serve bedrooms would result in an increased level of overlooking, greater than that which is currently experienced.

- 8.13 In terms of loss of light the drawings indicate that the proposal falls within the 25 degree line as suggested by BRE guidance. Given the orientation of the application site in comparison to the adjoining residential properties to the east, and the fact that the extension is set at an overall lower level than the existing building, it is considered that the impact upon neighbouring levels of daylight and sunlight would be negligible.
- 8.14 It is therefore considered that the proposed development would have a detrimental impact upon the amenity of neighbouring occupiers in terms of increased sense of enclosure and increased levels of perceived and actual overlooking contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

Amenity for future residential occupiers

- 8.15 Policy QD27 will not permit development where it would cause a loss of amenity to proposed residents. Policy HO5 requires the provision of private amenity useable amenity space in new residential developments, which is appropriate to the scale and character of the development. The application states that the residents would have access to the existing communal gardens within the site which are located to the west of the existing building. This is commensurate to the provision of amenity space which exists for the existing occupiers, as such it is considered that refusal on these grounds could not be sustained.
- 8.16 The proposed units would have a single easterly aspect. The proposed windows to this elevation are angled bay windows whereby the large pane of glass would be obscurely glazed. These windows would serve both the living space and bedroom accommodation provided in the flats. The proposed windows limit the level of outlook and daylight which the future occupiers will benefit from, particularly given that the properties are single aspect.
- 8.17 It is therefore considered that the proposed accommodation would have a very limited outlook leading to a sense of confinement. The development will therefore provide a poor standard of accommodation for future occupants contrary to policy QD27.
- 8.18 The Council's Environmental Health Team has reviewed the application and considers that there is the potential for noise and disturbance to the future occupiers of the scheme resulting from the retention and use of the parking spaces below the accommodation. As such they consider that the sound attenuation provided between the ceiling/floor of the car park and residential

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unit exceed Building Regulations Part E. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.

- 8.19 Policy HO13 requires all new dwellings to fully meet lifetime units would be capable of complying with lifetime home standards, given the overall size of the dwellings. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.
- 8.20 Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. The plans indicate that existing bins would be used and a small area for recycling is also indicated. This level of provision is considered acceptable. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.

Sustainable Transport:

- 8.21 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavement, cycle routes and roads.
- 8.22 The applicant is proposing no additional parking for the site, as such the proposed car parking levels are in line with the maximum car parking standards in SPG04. The Highways Authority has reviewed the application and considers that there is likely to be a degree of overspill parking from the development. To mitigate against the potential increase in parking stress the Highways Authority would look for the applicant to provide a Travel Pack to first occupiers of the new residential units and 2 years membership for each residential unit to City Car club. The later could only be secured by a s106 legal agreement.
- 8.23 As noted by the Sustainable Transport Officer, the application site is in close proximity to sustainable modes of transport. A contribution would be required toward improving the existing sustainable modes of transport within the vicinity of the development which equates to £6,750. In the absence of a legal agreement securing membership of the city car club and contribution towards sustainable modes of transport the application is considered to be contrary to policies QD28, TR1, TR7, and TR19 of the Brighton & Hove Local Plan.
- 8.24 Policy TR19 requires development to meet the maximum parking levels set out within Supplementary Planning Guidance Note 4 'Parking Standards'. The applicant is proposing two no. cycle stores however no details of the specific storage have been provided. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.

Sustainability:

- 8.25 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

- 8.26 The applicant has submitted a completed sustainability checklist indicates that the scheme is capable of meet Code for Sustainable Homes Level 3. Were the scheme otherwise considered acceptable this could be controlled by a suitably worded condition.

Environmental Health

- 8.27 The site once formed part of the old Kemp Town Railway. Whilst the works are being carried out above ground level the Councils Environmental Health team have recommended that should contaminated land be discovered then works shall stop and a remediation strategy be submitted to the Local Planning Authority. This could be controlled by a suitably worded condition.

9 CONCLUSION

- 9.1 Whilst it is recognised that the Local Planning Authority does not currently have an agreed 5 year housing land supply, the benefits of the additional housing proposed is outweighed by the harm resulting from the proposed design, impact upon neighbouring occupiers, and the amenity of future occupiers. As such it is considered to be contrary to Local Plan Policy and refusal is recommended.

10 EQUALITIES

- 10.1 The development would need to accord with current Lifetime Homes standards and Building Regulations standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed extension by reason of its bulk, scale, massing and design and detailing, would result in unsympathetic and overly dominant addition that would relate poorly to and detract from the appearance and character of the existing property, and the surround area. The proposals are thereby contrary to policies QD2, and QD14 of the Brighton & Hove Local Plan.
2. The proposed extension would result in an unacceptable impact upon the amenity of the occupiers in terms of increased building bulk, and increased sense of enclosure, and perceived and actual overlooking as such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. The proposed development would provide an unsatisfactory residential environment for the future occupiers of the proposed dwellings by virtue of poor level of outlook, contrary to policy QD27 of the Brighton & Hove Local Plan.
4. The proposal fails to meet the travel demands that it creates or help to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect, the scheme is contrary to policies TR1, TR7, TR19, and QD28 of the Brighton & Hove Local Plan and Supplementary Planning Guidance 04 Parking Standards.

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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 is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Site Location Plan			22/11/2013
Existing Layout Ground & Lower Ground Floor	05		25/11/2013
Existing Layout First & Second Floor	06		25/11/2013
Existing Elevations	07	A	25/11/2013
Block Plan	13		25/11/2013
Proposed Extension Ground & Lower Ground Floor	15	A	
Proposed Extension First & Second Floor	16	A	25/11/2013
Proposed Extension	17	B	25/11/2013