

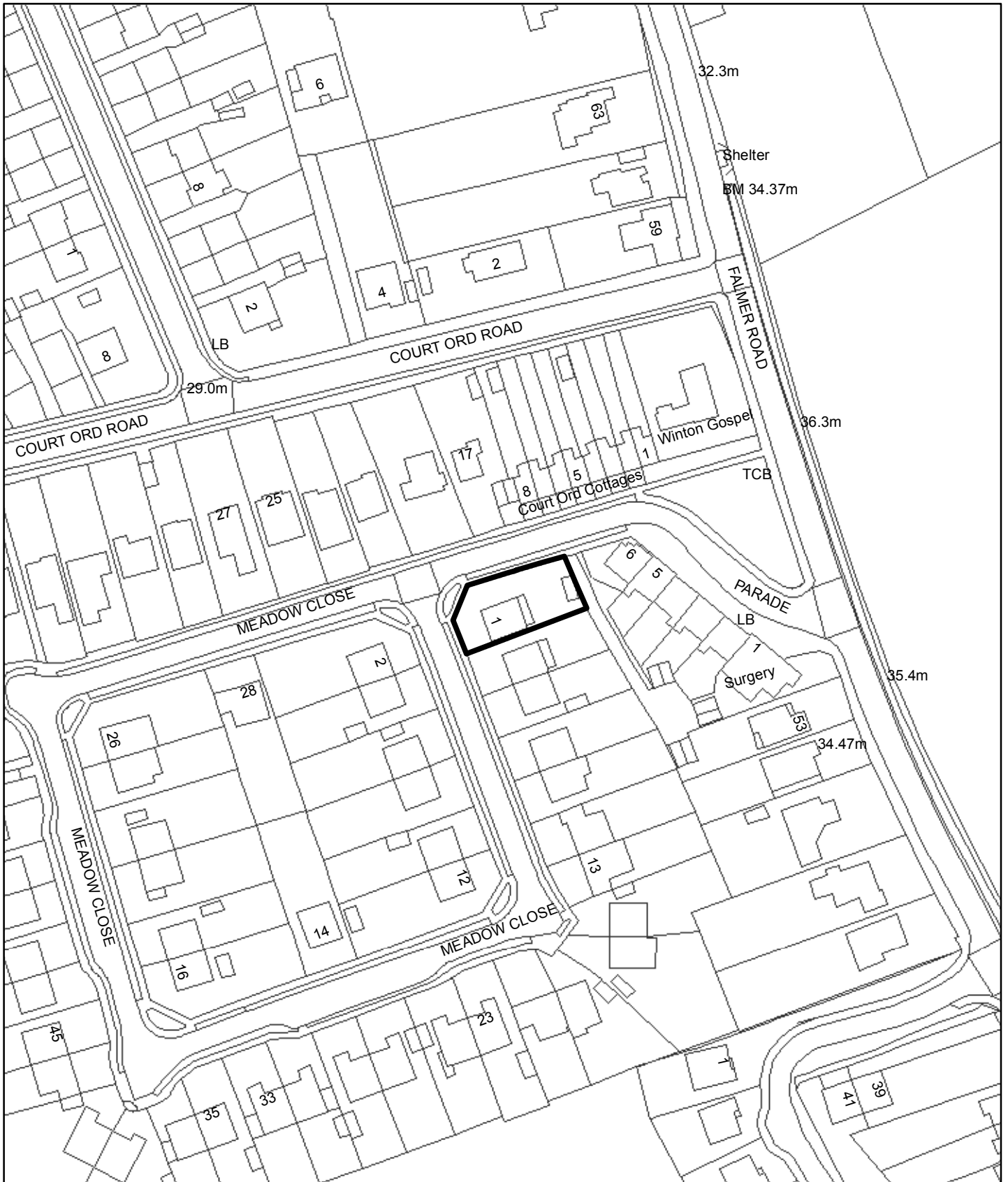
# **ITEM H**

**1 Meadow Close, Brighton**

**BH2014/00228**  
**Full planning**

**02 APRIL 2014**

# BH2014/00228 1 Meadow Close, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

PLANNING COMMITTEE LIST- 02 APRIL 2014

<b><u>No:</u></b>	<b>BH2014/00228</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1 Meadow Close, Rottingdean</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores. (Part-retrospective).</b>		
<b><u>Officer:</u></b>	Adrian Smith Tel 290478	<b><u>Valid Date:</u></b>	03 February 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	31 March 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Dieter Haslam, 6 Peacock Lane, Brighton BN1 6WA		
<b><u>Applicant:</u></b>	South Eastern Construction, Paul Williams, C/O Dieter Haslam, 6 Peacock Lane, Brighton BN1 6WA		

**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 site comprises a corner plot located at the junction of Meadow Close and Meadow Parade. The plot was formerly occupied by a single detached bungalow with a detached garage to the rear. The site has recently been re-developed with the bungalow replaced by a pair of semi-detached chalet bungalows approved on appeal under application BH2009/00948.
- 2.2 The properties to the south and west are semi-detached bungalows of similar size sited on relatively uniform plots. To the north of the site are larger detached properties and Court Ord Cottages, a row of modest terraced dwellings. To the east is Meadow Parade, a local shopping parade with residential units above set on higher ground level.

**3 RELEVANT HISTORY**

**BH2013/01533-** Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2009/00948 (Appeal ref APP/Q1445/A/09/2113807). Approved 17/07/2013.

**BH2009/00948-** Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores. Refused 28/07/2009. Appeal allowed.

**4 THE APPLICATION**

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- 4.1 Retrospective planning permission is sought for the demolition of the bungalow and its replacement with 2 no. 3 bedroomed semi-detached chalet bungalows, with ancillary car parking, cycle storage and refuse storage. The development has been completed, however, the scheme has not been built in accordance with the plans as approved on appeal under BH2009/00948. The main differences are:
- The building height has been raised by 0.36m, principally via a higher roof form to the Meadow Close elevation
  - Revised parking, boundary and garden arrangement to the Meadow Parade elevation.
- 4.2 The application proposes further alterations to the garden and parking arrangement to the eastern dwelling that have not been undertaken, therefore the application is considered part-retrospective.

## 5 PUBLICITY & CONSULTATIONS

### External:

#### 5.1 Neighbours:

**Four (4)** letters have been received from **5 & 8 Court Ord Cottages; 17 Court Ord Road, and 3 Meadow Close**, objecting to the proposed development on the following grounds:

- The height and size of the building is not in accordance with the approved scheme;
- Loss of privacy;
- Loss of grass verge and loss of street parking to accommodate more onsite parking. Three private parking spaces is excessive and does not support sustainable transport;
- The garage is not being advertised as being part of the development on the estate agents particulars;
- The garage is being used as a builders yard.

- 5.2 **One (1)** letter has been received from **113 Carden Avenue**, supporting the proposed development on the grounds that the development has enhanced the area.

#### 5.3 **Rottingdean Parish Council:** Object

The Parish Council are aware of problems residents have experienced during construction works and are concerned that retrospective consents set a precedent for unauthorised works. The Council oppose the removal of grass verges as they are important to the ecology, drainage, character and appearance of an area, and the loss of a parking space.

### Internal:

- 5.4 **Sustainable Transport:** No objection.

- 5.5 **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:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
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
SU9	Pollution and nuisance control
SU13	Minimisation and re-use of construction industry waste
HO3	Dwelling type and size

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HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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### Supplementary Planning Documents:

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

### Brighton & Hove City Plan Part One (submission document)

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

- 8.1 The principle of two residential units on the site of the footprint and general design approach as constructed has been established by way of the appeal decision relating to application BH2009/00948. The main considerations in the determination of this application relate to the acceptability of the changes to the approved scheme that have been made in the implementation of the development and the changes now proposed.

### **Design and Appearance:**

- 8.2 The approved drawings detail a semi-detached pair of chalet bungalows with a level ground floor plate throughout. The easternmost house (house A) is shown to have the retained garage on the eastern boundary, with an area of lawn in between.
- 8.3 As built, the floor plate of the building is now stepped by approximately 0.5m with house B set lower than house A in line with the gradient that runs through the site. It is understood this arrangement was revised in order to provide level access to both dwellings to meet Lifetime Homes. The result is a building that is taller than approved, with house A in particular having a taller appearance with a greater separation between the top of the ground floor windows and the eaves above. Owing to lack of detail in the approved drawings it is unclear to what extent the building has been raised. Assuming the floor plate to house A is as approved the building is 0.36m taller, however if the floor plate to house B is as approved, the house is approximately 0.9m taller. In any case as the building has been completed the pertinent issue is whether it satisfactorily complements the character of the area.
- 8.4 The footprint and design of the building is as approved, with the exception being the greater separation between the top of the ground floor windows and the eaves above to house B. Furthermore, the window in the dormer on the rear roofslope of house A is larger than approved. In design terms these are not considered harmful in line with the Inspector's decision. In terms of the increased height of the building, the site is located on a corner plot whereby only the

adjacent bungalows to the south are in direct relation. The buildings to the rear are two storeys in height and on considerably higher ground level, therefore the height change has had a negligible adverse impact on the relationship between these two buildings.

- 8.5 When viewed from the south and west, the ridge line to the completed development is taller than the consistent ridge line to the adjacent bungalows. However, the height differential is not immediately appreciable and in angled views the ridge lines appear broadly level. As such the change in height level has not resulted in a building of overwhelming scale and height, and has not had a detrimental impact on the continuity of the street scene as a whole. On this basis, and in accordance with the Inspector's decision, the building remains in accordance with policies QD1 & QD2 of the Brighton & Hove Local Plan.
- 8.6 With regard the garage and garden to house A, as built, the side garden and garage have been separated from house A by a 1.8m fence, and a new parking area with dropped kerb installed. The garage appears to be being used for storage of building materials independent from house A. The proposed drawings now show the reinstatement of the side garden behind the new and to-be-extended parking area, and partitioned by a 1.8m fence. The plans show the existing garage to be retained for use by house A, with a forward extension to the garage reduced to a low wall 300mm in height. It is not considered that these alterations would be harmful to the appearance of the site or street scene. The hardstanding as installed does not visually intrude on the wider street scene and retains suitable grass verges either side. The new fence separating the hardstanding from the garden behind would be set level with the garage and behind the front of the house, thereby not having an imposing presence. The reduction in the height of the front garage wall is welcome and would improve the appearance of the site and street. Accordingly the proposals accord with policies QD1 & QD2 of the Brighton & Hove Local Plan.
- 8.7 It is noted that the approved cycle and bin stores have not been implemented, however an acceptable new arrangement is detailed on the proposed plans. This can be secured by condition, to be installed within 3 months of the date of permission. Similarly, a condition is recommended to ensure the revised garden, garage and parking arrangement to house A is completed within 3 months of the date of permission, as the existing arrangement is visually intrusive and harmful to the appearance of the site and wider street.

**Impact on Amenity:**

- 8.8 Policy 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.
- 8.9 The increased height of the building has not had a significantly adverse impact on neighbouring amenity in terms of loss of light, outlook or privacy, particularly as the building is located to the north of the nearest affected properties.

**Other matters:**

- 8.10 The conditions applied by the Inspector should be repeated where appropriate. Conditions 3 & 4 were agreed under application BH2013/01533, have been implemented (with the exception of the lawn to the side of house A) and are not now required. Condition 2 has been revised to secure the implementation of the cycle and bin stores within 3 months of the date of permission, whilst a new condition is recommended to secure the layout and parking changes now proposed.

## 9 CONCLUSION

- 9.1 The dwellings as constructed, and subject to the revised landscaping layout as proposed, have not resulted in significant harm to the appearance of the site, wider street scene, or to the amenities of adjacent occupiers, in accordance with development plan policies.

## 10 EQUALITIES

- 10.1 The dwellings are required to meet lifetime homes standards.

## 11 CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

1. 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
Pre-existing block plan, floor plans and elevations	04	-	03/02/2014
Site plan, floor plans and elevations as approved under BH2009/00948	01	-	27/01/2014
Proposed floor plans and elevations	03	-	27/01/2014

2. Within three months of the date of permission, the refuse, recycling and cycle parking facilities shown on the approved plans shall be fully implemented and made available for use, and retained as such thereafter.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and the parking of cycles to comply with policies TR14 & QD27 of the Brighton & Hove Local Plan.
3. Within three months of the date of permission, the works to the garden, boundary fence, hardstanding and garage to house A as detailed on drawing no.03 received on 27 January 2014 shall be fully implemented and made available for use, and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.



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4. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. All planting, seeding or turfing comprised in the approved scheme in BH2013/01533 of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

### 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 dwellings as constructed, and subject to the revised landscaping layout as proposed, have not resulted in significant harm to the appearance of the site, wider street scene, or to the amenities of adjacent occupiers, in accordance with development plan policies.