

ITEM I

Land rear of 308 Dyke Road, Brighton

BH2014/01009
Full planning

06 AUGUST 2014

BH2013/01009 Land rear of 308 Dyke Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/01009	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land rear of 308 Dyke Road Brighton		
<u>Proposal:</u>	Demolition of existing garages and erection of 1no three bedroom house with off street parking.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	31/03/2014
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	26 May 2014
<u>Listed Building Grade:</u>	N/a		
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue, Hove, BN3 6HS		
<u>Applicant:</u>	Jonathan Stern, 4 Hove Park Way, Hove, BN3 6PS		

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 reasons set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to land to the rear of 308 Dyke Road. The site currently comprises a row of 5 garages and is accessed via a driveway off Dyke Road between 306 & 308 Dyke Road. 308 Dyke Road is a detached two-storey building which comprises 5 flats. The house includes accommodation in the roof slope. One of the flats includes an outside terrace area over a rear extension. Dyke Road is predominately comprised of large detached buildings set in substantial grounds.

3 RELEVANT HISTORY

- 3.1 None relevant.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing garages and the construction of a three bedroom dwellinghouse. The dwelling would be two-storeys tall with additional living accommodation at basement level. The dwelling includes green roofs and would be accessed via the existing side access.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** Six representations have been received from **4, Ground Floor Flat, 15 Maldon Road, 17, 19, 21 & 23 Maldon Road** objecting to the scheme on the following grounds:

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- Acknowledging that there is a significant need for housing in the city, the harm caused by this proposal far outweighs the benefit of providing one new dwelling.
 - The scheme would be out of scale, and an overdevelopment of the site with excessive plot coverage. The footprint is too large to provide appropriate subservience to the frontage development which should maintain prominence.
 - The retained amenity space is uncharacteristically small for the proposed dwelling given the scale of the property.
 - The scheme is overbearing and enclosing. The height and scale would be overbearing for neighbouring properties particularly given the change in land levels to the rear. The neighbouring gardens at Maldon Road are lower than the applications site and would suffer from loss of outlook, light, noise and disturbance.
 - The 45 degree lines have been drawn inappropriately and do not meet the guidance and tests set out in BRE guidance.
 - The form of the dwelling is contrived at the upper storey which demonstrates that the applicant is aware of the overbearing impact of the scheme.
 - The scheme would also result in overlooking of adjacent properties.
 - Concern is raised regarding proposed fencing. If this development goes ahead, it will have serious implications in the ability of neighbours to carry out repairs to the fence.
- 5.2 One letter has been received from **306 Dyke Road** in support of the scheme on the following grounds:
- The garages have a negative impact on the immediate area. The use of the garages results in a negative impact with a high level of traffic coming in and out of the driveway.
 - Rubbish is frequently dumped on the site which has resulted in antisocial noise, vandalism and occasional robbery.
 - The scheme would significantly improve the surrounding area and community feel.
 - It will dramatically reduce the traffic on the plot, the overall security of the area and result in a much quieter and enjoyable environment.
- 5.3 **Brighton & Hove Archaeological Society:** The Dyke Road area has in the past produced find from the Palaeolithic, Bronze Age and Roman periods. The Society would suggest contacting the County Archaeologist.
- 5.4 **East Sussex County Council Archaeologist:** Although this application is situated within an Archaeological Notification Area, it is not believed that there are any significant archaeological remains to be affected by this proposal.
- Internal:**
- 5.5 **Environmental Health:** No objection subject to a condition that if, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted

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and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

5.6 **Arboricultural Section:** No objection.

5.7 **East Sussex Fire & Rescue Service:** Comment. The plans do not appear to indicate access for fire appliances for fire fighting as required by Section B5 of Approved Document B of the Building Regulations and Section 35 of the East Sussex Act 1981. The installation of a sprinkler system conforming to BS9251 may be a consideration.

5.8 **Access Consultant:** No objection.

5.9 **Sustainable Transport:** No objection subject to the following:

- The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.
- The development shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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
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
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

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
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 in the determination of this application relate to whether the scheme is appropriate in terms of its design and appearance, its impact on the amenity of adjacent properties, highway considerations, sustainability, standard of accommodation and impact on trees.

Design:

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- 8.2 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.
- 8.3 Policies QD3 and HO4 require that new infill development, such as that proposed in this case, does not result in town cramming or detriment to the amenity of the surrounding area. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.4 Planning permission is sought for the construction of a detached dwelling house following the demolition of the existing garages. The dwelling would be up to two-storeys high and includes accommodation and a patio at basement level. The dwelling is modern in design and includes flat roofs. The flat roofs at ground floor level are shown as green meadow roofs. The roof at first floor is shown as a zinc standing seam roof. The proposed house would be surrounded by a small green area which includes refuse and bin storage. The scheme includes a timber pergola along the entrance to the proposed dwelling. The house would have rendered walls and timber / aluminium composite windows. The dwelling would be accessed via the existing vehicular access and the scheme includes one off-street parking space.
- 8.5 The dwelling is 'L' shaped and largely fills the proposed site. The space around the proposed dwelling would be limited. To the south elevation, there would be a gap of 2m between the dwelling and the boundary. To the east elevation, there would only be a gap of 1m. To the north elevation, there would be gap of 1.4m and to the east elevation, there would be a gap of 1m. This would result in the development appearing cramped and represents an overdevelopment of the site, especially when viewed in conjunction with the large dwelling and extensions at 308 Dyke Road which will be in close proximity. The residential character of the Dyke Road is predominately of large detached houses (some converted into flats) with large gardens. The houses on Maldon Road directly to the rear are smaller in size but have also retained suitable sized gardens.
- 8.6 The proposed development at the rear of 308 Dyke Road would leave little area around the house and this would be in contrast to the character and context of the surrounding area. The proposed development would result in an overdevelopment of the site and is contrary to the objectives of policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

Impact on Amenity:

- 8.7 Policy QD27 states that planning permission for any development 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.
- 8.8 Due to the close proximity of the proposed boundaries, there is concern that the scheme would result in a detrimental impact on the amenity of adjacent properties. The drawings indicate that the dwelling has been set back from each boundary

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and a 45 degree line has been drawn on the plans to indicate that the scheme would not be overbearing from any adjoining property. Given the scale of the building, the Local Planning Authority is not convinced that these 45 degree lines are sufficient to overcome concerns regarding the potential impact of the scheme on adjacent properties as outlined below.

- Eastern boundary: This boundary is adjacent the gardens of 17, 19 & 21 Maldon Road. The gardens of these properties are approximately 14m long. There is an existing boundary fence in place to a height of approximately 3m. Drawings TA749/10B & 16B indicate that this fence would be replaced with a new close boarded fence to a height of 2.6m. The proposal includes a first floor which would be clearly visible from the gardens and rear of 17-21 Maldon Road. The plans indicate that the ground floor would not be readily visible from these properties. Given the size of the rear gardens and the proximity of the properties on Maldon Road, the proposed first floor would be highly visible and would result in an overbearing presence and unneighbourly form of development.
- Western boundary: This boundary is adjacent to the retained garden for the host property. The host property is divided into flats and includes a rear garden and extension with a first floor roof terrace. The plans indicate a boundary wall of 2.2m. This plans show the building 700mm from the wall with a height of 900mm above the wall. The garden at 308 Dyke Road is shown with a length of 7.7m. The dwelling would also be within 2.6m of the rear single-storey extension which includes a first floor roof terrace. Given the proximity of the dwelling in relation to the host property, the scheme would form a dominant addition and would result in an overbearing presence and detrimentally affect the amenity of these properties.
- Southern boundary: This is the common boundary with 306 Dyke Road. The plans indicate additional screening along this boundary to a height of 3m. There is currently a fence in place and extensive trees and bushes on the neighbour's side. However, there is no guarantee that this natural screening can be retained and there is also concern that a 3m screen would result in an overdominant impact on the amenity of 306 Dyke Road. The proposed structure is set 2m from the boundary and would not result in any loss of light or outlook to the residents of no.306.
- Northern boundary: This is the common boundary with 310 Dyke Road. There is again extensive bushes and trees along the boundary found in the garden of 306 Dyke Road. There is also an outbuilding at 310 Dyke Road. The proposal would result in a single-storey structure within 1.5m of the boundary and a two-storey structure within 3.1m of the boundary. Given the existing outbuilding and the screening including the trees and hedges in the garden of no 310, the proposal would not result in a significant impact on the amenity of this property.

8.9 In conclusion, the scheme would result in an overbearing impact and an increased sense of enclosure on the residents of the host property at 308 Dyke Road and the residents of 306 Dyke Road and 17, 19 & 21 Maldon Road.

8.10 The visibility and prominence of the development from these properties is also evidence of the overdevelopment of the site.

Living Conditions for Future Occupiers:

- 8.11 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. The proposed house includes appropriate sized rooms with adequate light and outlook to all habitable rooms.
- 8.12 New residential buildings are expected to be built to a lifetime homes standard whereby it can be adapted to meet the needs of people with disabilities without major structural alterations. The Council's Access advisor has commented that the proposal is acceptable and would meet lifetime homes requirements.
- 8.13 Policy HO5 requires suitable external amenity space to be provided for new residential development. The proposal would have limited usable outside amenity space. The dwelling would be in close proximity to the boundaries on all sides. The areas left by the dwelling would not be usable as an outside amenity space. The drawings indicate small outside area in the south west corner of the plot adjacent a timber pergola. This area would measure approximately 24 square metres and is shown with trees. The scheme also includes a lower level patio area for the basement bedrooms. The patio area would be an enclosed area with limited light and no outlook. The garden area would also be small and would not be adequate to meet the needs of a family dwelling. The garden is also small when compared to the gardens of adjacent properties. The scheme is therefore deemed contrary to policy HO5.

Sustainable Transport:

- 8.14 Brighton & Hove Local Plan policy TR1 requires new development to address the related travel demand, and policy TR7 requires that new development does not compromise highway safety.
- 8.15 The Transport Manager has raised no objections to the scheme. The scheme results in the loss of 5 garages. The Transport Manager acknowledges that the garages are redundant as stated by the applicant and may not have been used as car parking spaces.
- 8.16 The applicant is proposing one on-site car parking space. The Transport Manager has commented that this level of car parking is acceptable for one dwelling and in line with the maximum car parking standards quoted within SPG4 on parking standards.
- 8.17 In respect of cycle parking, the applicant has indicated a proposed cycle store in the driveway. This is deemed acceptable subject to details of the cycle store being submitted to and approved in writing by the local planning authority. The preference of the Highway Authority would be Sheffield type stands.

Sustainability:

- 8.18 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of the proposed sustainability credentials of the scheme are set out in a Sustainability Check list and Statement submitted with the application. This is in

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accordance with SPD08 on Sustainable Building Design. The supporting statement indicates that the scheme would meet level 4 of the Code for Sustainable Homes. This would be in accordance with SPD8 which requires brownfield sites to meet level 3.

- 8.19 Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. The applicant has submitted a waste minimisation statement which is deemed acceptable and in accordance with the above policy and statement.

Provision of Housing:

- 8.20 The scheme would supply additional housing for the city. 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 in this report.
- 8.21 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.

9 CONCLUSION

- 9.1 The proposal is deemed inappropriate for the following reasons:
- The proposed plot size is too small to adequately accommodate the proposed dwelling which would represent a cramped form of development and an overdevelopment of the site.
 - The scheme would form an overbearing presence in the garden and detrimentally affect the amenity of the residents of the host property on the residents of the host property at 308 Dyke Road and the residents of 306 Dyke Road and 17, 19 & 21 Maldon Road.
 - The proposal does not include an adequately sized amenity area for the proposed dwelling.

10 EQUALITIES

- 10.1 The new dwelling is required to comply with Part M of the Building Regulations and the Council's Lifetime Homes policy.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed dwelling would have limited space around it and the proposed plot size is considered too small to adequately accommodate the proposed dwelling. In conjunction with the existing building, the proposal, by reason of its excessive footprint and plot coverage, would represent an overdevelopment of the site and would fail to respect the context of the residential character of the area. For these reasons the development is contrary to policies QD1, QD2 and HO4 of the Brighton & Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.
2. Having regard to the close proximity of the development to the host property which includes a first floor roof terrace and to the adjacent properties to the east on Maldon Road, the proposal would result in an increased sense of enclosure and an unneighbourly and imposing form of development. The proposed 3m screen to the southern boundary would also result in an increased sense of enclosure and an unneighbourly form of development for the residents of 306 and 308 Dyke Road. The scheme is therefore deemed contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposal results in a small outside amenity area which would not be adequate for the needs of a family dwelling. This would be to the detriment of the living conditions of the future occupiers of the proposed dwelling. The scheme is therefore contrary to policy HO5 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 is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Block & Site Location Plan	TA749/01		31 st March 2014
Existing ZARA Survey	TA749/02		31 st March 2014
Existing Elevations	TA749/03		31 st March 2014
Existing Sections AA & BB	TA749/04		31 st March 2014
Proposed Site Plan	TA749/10	B	31 st March 2014
Proposed Floor Plans	TA749/11	C	31 st March 2014
Proposed Contextual Elevations	TA479/12	B	31 st March 2014
Proposed Front Elevations & Section BB	TA749/13	A	31 st March 2014
Proposed Side Elevation & Section AA	TA749/14	B	31 st March 2014

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Proposed Side Elevation & rear Elevation	TA749/15	B	31 st March 2014
Proposed Side Elevation & Section CC	TA749/16	B	31 st March 2014