

<b><u>No:</u></b>	<b>BH2016/00752</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>101 Roundhill Crescent Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no three bedroom dwelling (C3) incorporating alterations to boundary wall and external alterations to existing building including repair works, alterations to fenestration and associated works.</b>		
<b><u>Officer:</u></b>	<b>Mark Dennett Tel 292321</b>	<b><u>Valid Date:</u></b>	<b>04/04/2016</b>
<b><u>Con Area:</u></b>	<b>Round Hill</b>	<b><u>Expiry Date:</u></b>	<b>30 May 2016</b>
<b><u>Listed Building Grade:</u></b>	<b>II</b>		
<b><u>Agent:</u></b>	<b>ZSTA, 3 Dorset Place Brighton BN2 1ST</b>		
<b><u>Applicant:</u></b>	<b>Ms Wendy Jamieson, 101 Roundhill Crescent Brighton BN2 3GP</b>		

## 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 is the rearmost part of the rear garden to 101 Roundhill Crescent, a 4 storey residential building comprising four flats on the corner (north-east quadrant) of Roundhill Crescent and D'Aubigny Road. The depth of the existing garden to the rear of 101 Roundhill Crescent is 18m. The far end of the garden is abutted by the flank wall of the house at 4 D'Aubigny Road. The proposed site boundary is the last 8.8m of this garden; back to front the site has a depth of 10.5m.
- 2.2 The property and related land is located within the Round Hill Conservation Area; 101 Roundhill Crescent is a Grade II Listed Building. Nos. 103 to 113 inc. Roundhill Crescent are also Listed (grade II). Round Hill Conservation Area is largely in residential use, with larger houses on Roundhill Crescent and Richmond Road, mostly now flats, and predominantly smaller individual family houses in the other roads. There is a noticeable incline on D'Aubigny Road and within the site down from north to south. Roundhill Crescent in front of the terrace at nos.101-113 slopes down from west to east, but there is no noticeable change of levels within the site.

## 3 RELEVANT HISTORY BH2015/02786

Erection of two storey, three bedroom dwelling. Refused 26/11/15 for these reasons (in synopsis):

detrimental to character of immediate surroundings in the conservation area by siting, design height and detailing and impact on skyline;

insufficient benefits to outweigh harm to conservation area & setting of listed building;

alterations to western boundary wall out of keeping;

partial loss of the wall unacceptable in absence of acceptable redevelopment scheme;

roofspace bedroom unacceptable standard of accommodation;

overlooking of 101 Roundhill Crescent from proposed south elevation windows;

would appear oppressive viewed from garden of 103 Roundhill Crescent;

insufficient evidence of building accessibility.

**BH2015/02796**

Alterations to boundary wall Refused 26/11/15- loss of historic fabric unacceptable in absence of acceptable development scheme for site.

**BH2015/00322**

Erection of two storey building comprising x5 flats Refused 7/4/15

**BH2011/02420** – 101 Roundhill Crescent - Erection of shed and decked area to land to rear of 101 Roundhill Crescent. (Retrospective). Approved 20/10/2011.

**BH2011/02259** - 101B Roundhill Crescent - Listed Building Consent for erection of first floor side extension. Refused 12/10/2011.

**BH2011/02257** - 101B Roundhill Crescent - Erection of first floor side extension. Refused 12/10/2011.

There is a current application for Listed Building Consent- **BH2015/00753**-for works at the existing building at 101 Roundhill Crescent, viz. External alterations including repair works, alterations to boundary wall including installation of a new gate, reinstatement of cast iron window guards to second floor windows, alterations to fenestration and associated works.

**4 THE APPLICATION**

4.1 Planning permission is sought for the erection of a two storey, three bedroom dwelling, including habitable roofspace. It would have a simple roof of a single front and rear plane with a gable to the south, facing 101 Roundhill Crescent.

4.2 The proposed building would directly abut the south facing flank wall of no. 4, D'Aubigny Road, a two storey house. Its rear elevation would be to the rear of those premises by 0.75m.; the rear elevation would virtually abut the boundary with 103 Roundhill Crescent. Its front elevation would have the same front building line as 4, D'Aubigny Road, being set back from the pavement by an average of 2.3m (the elevation is not quite parallel to the pavement). It would have a private garden adjoining its proposed south wall.

- 4.3 It might be noted that the plan form of the building is not wholly rectangular, the width of the rear elevation being 5.3m and the front elevation 6.2m. This has the effect that, whilst the proposed boundary between existing and proposed houses is parallel to the rear of no 101, the garden for the proposed house is narrower at the road frontage than the rear. This, main garden- at the side of the proposed house- would have an area of 27m<sup>2</sup>. The proposed house is not parallel to 101 Roundhill Crescent: the distance between proposed and existing buildings is 12.8m at the rear and 11.7m at the front. The proposed house would have a main front entrance accessed via two steps; there is a further proposed entrance door at the side- also accessed via two steps.
- 4.4 The existing 1.8m high boundary wall, of 'bungaroosh' construction, to D'Aubigny Road along the current garden is retained, bar the creation of a pedestrian entrance to the proposed house, where a gap of 1.85m would be created with new piers on either side to match those elsewhere in D'Aubigny Road. n.b. the removal of part of the wall is subject to a listed building consent application (BH2016/00753).
- 4.5 The accommodation proposed comprises two double bedrooms at first floor and a single bedroom within the roofspace. The proposal includes- on the rear elevation facing east- one ground floor level window to the kitchen/dining area and one first floor window to a bedroom. On the proposed south elevation, that facing 101 Roundhill Crescent, there is one window- a first floor bathroom window. The bedroom in the roofspace is lit solely by a single 'conservation rooflight' on the rear roof plane.
- 4.6 The architectural treatment seeks to mirror that of 4, D'Aubigny Road which it would join with a three sided front bay on both storeys but no other first floor fenestration. It is however a little wider than the existing house 6.2m as opposed to 5.9m. Architectural detailing is as in 4, D'Aubigny Road, for example the string course and the vermiculated keystones above each ground floor window and main door are replicated. The main walling material would be painted render, the roofing material would be blue/black slates and the windows would have white painted timber frames.
- 4.7 As D'Aubigny Road slopes noticeably from north to south the proposed building is on a lower level than 4, D'Aubigny Road, which it would abut. There is a very small proposed drop in proposed ground floor level (i.e. a small excavation) of 0.4m where the proposed and existing buildings join. Notably the line of the roof ridge is 0.65m lower than that of number 4. This is a variation on the previously refused scheme (BH2015/00322) and will be considered further below.

## 5 PUBLICITY & CONSULTATIONS

### External

#### 5.1 Neighbours:

**Nine (9)** letters of representation have been received from **101 (x2); 101a; 101b; 101c (x2); 101 basement; 94 and 94c Roundhill Crescent** supporting the application for the following reasons:

- 'Family' housing is welcomed and needed (contrasted unfavourably to 'student housing' by some respondents).

- The design is considered in keeping and is sympathetic to the character of D'Aubigny Road.
- It is a 'mirror' of the opposite side of the road.
- Surrounding roads are mostly 'unbroken terraces' without extensive gaps.
- 101 Roundhill Crescent would not be overlooked.
- Restoration improvements to 101 Roundhill Crescent are desirable.
- Consider that the reasons for refusal of the previous application are overcome

5.2 **Twenty-seven (27)** letters of representation have been received from: **103 1<sup>st</sup> fl; 103 flat 1; 103a; 103 top flat; 105; 105a; 107 flat 1; 107 flat 2; 107 flat 4 and 47 Roundhill Crescent; 1; 3 (x2); 4; 8 (x2) D'Aubigny Road; 112/114 (x2) and 33 Richmond Road; 6 and 13 (x2) Wakefield Road; 31 Crescent Road; 51 Upper Lewes Road; 9, Belton Road; 55, Princes Road and 19, Roundhill Street objecting** to the application for the following reasons:

- Loss of the gap between 101 Roundhill Crescent and 4 D'Aubigny Road and the long distance public views obtained through it; some references to mention of views in the Round Hill Conservation Area Character Statement. Some respondents comment that the Sainsbury's building within the existing view does not compromise it. Some comment that the smaller gaps at other similar locations within the conservation area are not comparable as the adjoining buildings are not listed.
- Loss of the green space that the existing garden provides in an area without public open space.
- Loss of the gap would detrimentally impact on the character of the Round Hill Conservation Area.
- The proposed building would overshadow garden of 103 Roundhill Crescent and other Roundhill Crescent gardens.
- Overlooking of and loss of privacy to 103 Roundhill Crescent.
- The 'restoration benefits' put forward should not be considered as balancing the planning impacts of the proposal. Considerations should not 'reward neglect'.
- Would increase parking pressures.

5.3 **East Sussex County Council Ecologist**

No objection. Considers that the proposed development should not have an adverse impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties under the Natural Environment & Rural Communities Act and NPPF (no specific condition is recommended).

5.4 **Conservation Advisory Group**

No objection. note that previous application for site was refused and that through the gap there is a view of the Lewes Road area, the cemetery and allotments and a view of Race Hill but considered that the predominant view is now the of Sainsbury's and that the proposal would help to screen that out and only marginally reduce the vista.

**Internal:**

5.5 **Heritage:** Comment.

5.6 Statement of Significance

101 Roundhill Crescent is Listed Grade II. It is a townhouse forming part of a terrace with nos. 103-113, built in the mid-19<sup>th</sup> century. Although Victorian in date it displays Regency detailing. No. 101 is the end of the terrace on the corner with D'Aubigny Road and differs from the others in that its front door is at the side in a side extension. The extension has been extended upward at first floor level over the original part and forwards at ground floor level. It is understood from the applicant that these date to at least the early 20<sup>th</sup> century. However the extensions are unsympathetic and poorly detailed. The front elevation retains its original sash windows apart from the central basement one which has been converted into an entrance door. It retains its stone first floor front balcony with cast iron railings in a scrolling foliage pattern. The rear and side elevations and the boundary wall are in relatively poor condition and would benefit from repair and maintenance.

5.7 The proposed development site forms the garden to 101 Roundhill Crescent with a boundary to D'Aubigny Road. It is located in the Round Hill Conservation Area and forms part of the curtilage and setting to the listed building. Historically it has always been open. It is larger than other gardens within the area, denoting the relative status of this property in relation to the more modest houses along D'Aubigny Road and elsewhere in the conservation area.

5.8 Round Hill Conservation Area is largely in residential use, with larger houses on Round Hill Crescent and Richmond Road (mostly now flats) and predominantly smaller individual family houses on the other roads. The area is notable for its hilly siting with distant views of the sea, downland and surrounding leafy areas framed by housing. Its hilly siting also means there are views towards the area from other parts of Brighton where it is characterised by houses stepping up the hill and separated by ribbons of green (the gardens to the houses). The green ribbons are indicative of the former use of this area for laundries. There are no public green spaces in the area; glimpsed views of private green spaces and views to downland/open land further afield provide relief to the dense urban form. The break between the end of terraces at road junctions also provide a break in urban form and thus contribute to this relief.

5.9 The Proposal and Potential Impacts

The proposal is to construct a new single dwelling within the existing garden to no.101 Roundhill Crescent; it follows previously refused applications for construction within the garden.

5.10 The garden currently retains the original plot size to 101 Roundhill Crescent. It forms the primary curtilage of this listed building and an important part of its setting. Its plot size provides an appropriate amount of space around the building which complements the scale of the building and reflects its status. It historically has always been open. The loss of the open space causes some harm to the setting of 101 Roundhill Crescent.

- 5.11 The break in building line, visible private open space of the gardens to 101-113 Roundhill Crescent and distant views to open land (allotments up to Warren Road) on the distant skyline are visible from D'Aubigny Road. They provide relief to the dense urban form and are a visual public amenity. Such visual public amenities are considered important to the character of the conservation area as described in the Round Hill Conservation Area Character Statement. The space therefore contributes to the character of the conservation area, and its loss would cause some harm to the character of the conservation area. It is acknowledged that the proposal is reduced in width from the original refused scheme and allows for the retention of a significant gap. This allows much of the view to still be appreciated within the street scene, although in a much narrower gap. A photo montage has been provided to confirm that the retained gap allows for a break in the roofline/building line when viewed obliquely from Roundhill Crescent, which also relieves the built form. This therefore minimises the level of harm caused.
- 5.12 The proposed new dwelling is detailed to be generally in keeping with the architectural style of the neighbouring Victorian housing. It is designed to form a pair with the neighbouring number 4, D'Aubigny Road. It is particularly important to ensure the building is well detailed such that this approach is effective.
- 5.13 The proposed development has been amended from the last scheme such that it now follows the established building line to the east side of D'Aubigny Road. It is also stepped down in height from the neighbouring 4 D'Aubigny Road, in order to follow the topography more accurately and remain subservient in the street scene. This is appropriate.
- 5.14 The building has been designed to exactly match the detailing to 4 D'Aubigny Road. A condition should be attached to any approval to ensure this is the case, with large scale details also required.
- 5.15 The front boundary arrangement including lowered wall and piers to match original designs on D'Aubigny Road is appropriate. It is acknowledged that the size of piers differs between the properties along the road, relative to the scale of property. It appears the proposed match the smaller houses to the west side of the road and upper part of the east side. This is appropriate, subject to large scale details. Details will also be required of the steps, dwarf wall to the steps, lowered boundary wall (with coping) and the additional proposed bungaroosh wall.
- 5.16 The windows have been appropriately amended to well-proportioned timber hung sash windows. It would be appropriate for the front door and side door to be recessed to match the reveals to the existing door to number 4. The lowest section of glazing to the side door would appropriately be solid.
- 5.17 The LPA has a statutory duty to preserve listed buildings and their settings, and to preserve and enhance the character or appearance of conservation areas- Planning (Listed Buildings and Conservation Areas) Act 1990 sections 16, 66 and 72). The proposal does cause some harm to the setting of the listed

building and the character/appearance of the conservation area. Paragraph 132 of the NPPF requires great weight to be given to the conservation of heritage assets.

5.18 In terms of the NPPF, the proposal is considered to cause less than substantial harm to the conservation area and listed building.

5.19 Where a development would lead to less than substantial harm, para.134 of the NPPF allows the public benefits of the proposal to be weighed against the harm. Policy HE4 of the Local Plan is complementary to such an approach. The application sets out a number of proposed improvements to the main listed building (including walls). Some of these constitute repairs to the building; the owner has a general responsibility to maintain their listed building in good condition and thus the 'public benefit' of such work can only be considered to limited extent against the harm of the proposal. A number of works involve reinstatement and improvement to the building; the public benefit of these works can be considered against the harm of the proposal to a greater extent.

5.20 The following works are proposed:

- Painting of the flank and rear walls.
- Rationalised pipework, painted to match the walls.
- Reinstatement of the cast iron window guards to match 103.
- Reinstatement of missing areas of red clay pavers to the basement lightwell and encaustic tiles to main pathways/steps (dependent on amount of reinstatement required).
- Replacement ground floor door to match door to number 103.
- Small shed painted dark green with imitation turf removed.
- Decking and summerhouse removed
- Improved planting scheme
- Improvements to side gates and adjacent walls.
- Improved design to the rear basement lightwell railings.
- Improvements to first floor rear door, including removal of the fanlight.

5.21 The Heritage Team have also identified further works over and above those proposed that would improve 101 Roundhill Crescent in historic buildings terms.

**5.22 Arboriculture**

No objection. Notes that there are no trees or vegetation on the site itself, or the streets surrounding the development. Notes that there are one or two shrubs behind flint walls in neighbouring properties that should not be affected by the proposed development.

**5.23 Sustainable Transport:**

No objection. Considers no on site car parking required as the site has good accessibility by sustainable means and where overspill parking is constrained by the surrounding Controlled Parking Zone. Seeks condition to secure cycle storage as proposed and a condition to secure off site works, viz. dropped kerbs

and tactile paving at the eastern and western footways on Roundhill Crescent at the junction of D'Aubigny Road.

## **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 City Plan Part One (adopted March 2016);
  - Brighton & Hove Local Plan 2005 (retained policies March 2016);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - 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 the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 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 City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage

#### Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE1	Listed buildings

- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas
- HE10 Buildings of local interest
- HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD09 Architectural Features

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, design and appearance including the impacts on the adjoining listed buildings and Round Hill Conservation Area; impacts on the amenities of adjoining occupiers; the standard of accommodation for future occupiers; landscaping; sustainable transport issues; ecology and biodiversity and sustainability of the proposal.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24<sup>th</sup> March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 Principle of Development**
- City Plan Part One policy SS1 sets out policy in pursuance of the 'presumption in favour of sustainable development' set out in the NPPF. It states that the City Council will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. The policy further says that the strategy needs to balance accommodating the city's development needs, including homes, with the need to protect and enhance the city's high quality environments. This application is an example of where this balance is the essential determinant in the application.
- 8.4 The policy also promotes the efficient use and development of land/sites across the city including higher densities in appropriate locations. It should however be noted that the policy seeks that the 'majority of new housing... will be located on brownfield sites' and that the NPPF excludes private residential gardens from its definition of 'previously developed' or brownfield land. The City Council has not however, as the NPPF allows, elected to adopt a policy making a presumption against development in residential gardens.
- 8.5 Whilst it is not considered that strategic policy is balanced one way or the other in relation to this proposal, it might be noted that the City Plan Part One policy

CP1 'Housing Delivery' relies, in its housing delivery targets, on 'windfall' sites making up 1250 units in the 20 year plan period. The policy notes that 'small windfall site development, will contribute towards meeting the planned housing requirements of the city and ongoing five year supply requirements'.

8.6 In addition to the general policy planning considerations, because the proposal affects the setting of 101 Roundhill Crescent as a (grade II) listed building, the Council must have special regard to 'the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' The Heritage Team comments have been made in that context.

8.7 **Design & Appearance**

Taking the consideration of the appearance of the building aside from the issues related to the gap between 101 Roundhill Crescent and 4 D'Aubigny Road, the Heritage Team have identified that it is designed to appear as a pair with no. 4 (bearing in mind that no. 4 is attached to no.6 which it does not mirror). Importantly, in relation to the previously refused scheme, its roof steps down in height, following the topography as opposed to continuing the ridge line at the same height and following the front building line where the previous scheme protruded 0.5m in front of it. It is considered that the appearance of the building per se is acceptable in relation to the character of the conservation area.

8.8 City Plan Part One policy CP14 'Housing Density' introduced housing density as a consideration, seeking that housing densities be appropriate to the identified positive character of the neighbourhood and setting out criteria for permitting housing at densities higher than those typically found in the area. It generally seeks a minimum of 50 dph (dwellings per hectare). Densities in the immediate surroundings of the application premises, using this measurement vary considerably, in large part because there is a mix of single dwellings and flatted development. The existing density for the application site i.e. the existing flats in relation to the plot size is (approximately) 106 dph; the proposed house would raise the density to 141 dph. For comparison a small house in a small plot on D'Aubigny Road is 111 dph and the flatted development opposite the premises- 99 Roundhill Crescent is 280 dph. In that context the proposed density cannot be said to be atypical and does not fall to be tested against the criteria for consideration of higher than locally typical densities set out in this policy.

8.9 City Plan Policy Part One policy CP12 Urban Design sets out a series of criteria for the consideration of design issues, mainly in the context of a future 'Urban Design Framework'. It might be noted that criterion 6 seeks to 'protect or enhance strategic views into, out of or within the city.' and that many of the respondents have referred to the views that may be obtained over the application site from D'Aubigny Road. Whilst the space between 101 Roundhill Crescent and 4 D'Aubigny Road might be considered in other contexts- such as the setting of the listed building, it is not a strategic view and the view is not per se accorded strategic policy protection.

8.10 City Plan Part One policy CP12 further advises that until the intended Urban Design Framework and City Plan Part One are published that the Council's

Urban Characterisation Study (2009) will assist the 'consideration of backland or infill developments'. The Study is descriptive rather than prescriptive- in describing the Round Hill area it notes, inter alia ' a strong building line' and that the area 'affords good views out towards the Downs and back towards the sea and to local landmarks.'

8.11 There is more comment on views in the Round Hill Conservation Area Statement which notes that the conservation area is notable for its hilly setting with long terraces of houses framing distant views of the sea to the south and of the downs to the east. In this case the views are the downs to the east only. It should also be noted that views across the development site are only obtained when directly facing the site. The Round Hill Conservation Area Statement picks out two 'vistas' it considers to be 'of note' which are 'down Crescent Road and along Wakefield Road.' It might be noted that although clearly the proposal would close part of the existing gap between buildings that there is a further view to the Downs from D'Aubigny Road opposite the site, looking south of 101 Roundhill Crescent.

8.12 The Heritage Team have come to the view that the differences between the current and previous schemes, as detailed in their consultation response, are such that in terms of the conservation area and listed building consent aspects that harm caused is less than substantial. As far as the loss of part of the gap between 101 Roundhill Crescent and 4, D'Aubigny Road is concerned there is no general policy protection of non-strategic views. In practice the view is lost in part, not wholly and from the best viewing position of the gap- on the opposite side of D'Aubigny Road there remains a downland view to the south of 101 Roundhill Crescent. It might be noted that from such a viewing position that much of part of the view that is lost would be that of the Sainsbury's supermarket in the middle ground. In conclusion it is not considered that the loss of the space between buildings should, of itself, constitute a reason for refusal.

**8.13 Impact on Amenity:**

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.

8.14 The relationships of particular consequence in terms of amenity are those with 101 and 103 Roundhill Crescent. It has been noted that unlike the previous application whose rear building line was flush with the rear of 4 D'Aubigny Road that the current application is 0.75m to its rear. That depth is not considered to give rise to a substantive loss of amenity to those premises.

8.15 It may be noted that overlooking (of specifically 101 Roundhill Crescent) from a window in its proposed south elevation was a reason for refusal of the earlier application. In that case the window appeared to be to a bedroom. In the current application there remains one first floor window on the south elevation but it is clearly to a bathroom. To ensure that this would be obscure glazed a condition to that effect is recommended. In that circumstance it is considered that there

would be no overlooking. Whilst there are windows proposed in the rear, east, elevation the relationship with habitable space in the Roundhill Crescent premises is oblique and the flats themselves would not be overlooked.

- 8.16 The previous application was also refused on grounds of the impact on properties to the east in Roundhill Crescent in terms of its scale, bulk and massing close to the boundary being overbearing and oppressive '*when viewed from the garden areas of neighbouring properties*'. The current application is different from the previous one, in terms of building envelope, only in terms of height. This would lessen the impact of the building on both aspects of this reason for refusal but clearly there is some impact. It might be noted that the application plot is to the north of these gardens and would not affect sunlighting or daylighting to those gardens. It also might be compared with the relationship between the building on the other side of the junction- 99 Roundhill Crescent and the building whose flank the rear faces- 1 D'Aubigny Road: here the distance is 5m whereas the distance between the proposed house and the main rear wall of 103 Roundhill Crescent is 12.5m. It is considered that protecting- specifically a view from gardens- in these circumstances would be difficult were there to be an appeal against a refusal on these grounds.

**8.17 Standard of Accommodation**

The City Council has a general policy on amenity for future residents set out in policy QD27 of the Brighton & Hove Local Plan but without specific space standards. The proposed house contains two double bedrooms at first floor and a single bedroom in the roofspace. The gross internal floorspace proposed is 98.2m<sup>2</sup>. The Council has not, at this stage, adopted the optional 'Technical Standards for Housing' published by the DCLG but for comparison the standard for the amount of accommodation proposed over three levels is 99m<sup>2</sup>. The size of the unit is considered adequate for the amount of accommodation proposed.

- 8.18 The Council's general approach to the provision of outdoor amenity space for housing is set out in policy HO5 of the Brighton & Hove Local Plan which seeks private useable amenity space where appropriate. It is considered that garden space should be provided for a 3 bedroomed house in this inner suburban location. The 27.5m<sup>2</sup> garden to the side of the proposed house is considered small but not to the extent that the application should be refused on these grounds.

- 8.19 Windows are arranged such that each room has at least one window. An exception to this is the third bedroom which has only a (conservation) rooflight, on the rear roof plane. Whilst this may provide adequate lighting for the room there would be limited outlook from this room. This is a deficiency and may be symptomatic of the applicant seeking to provide fenestration that would avoid overlooking and for heritage reasons. Although outlook is limited the room comprises secondary accommodation with the rest of the proposed dwelling providing adequate outlook and the accommodation is overall acceptable.

**8.20 Landscaping**

The submitted plans show the provision of a garden to the side of the proposed dwelling, separated from the retained garden area for 101 Roundhill Crescent. No

details of any landscaping for this proposed external amenity area are shown on the plans submitted however it is considered that full landscaping details could be secured via condition.

8.21 The Council's Arboriculturist has assessed the application and raised no objections; it is considered that the shrubs/tree located in neighbouring gardens should not be affected by the proposed development.

**8.22 Sustainable Transport:**

Policy CP9 of the Brighton & Hove City Plan Part One seeks to transfer people and freight to sustainable forms of transport and advises that subsequent guidance will, inter alia, put a priority on minimising off-street car parking in accessible locations. Policy TR7 of the Brighton & Hove Local Plan requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. No off-street parking provision is proposed as part of the development. The site is located in an area with good accessibility by sustainable modes and where overspill parking would be constrained by the presence of the existing Controlled Parking Zone. In the circumstances a car-free development is considered acceptable.

8.23 The creation of an additional residential unit is likely to lead to a small uplift in trips to and from the site. In order to comply with policies of the Brighton & Hove Local Plan, a contribution is sought towards pedestrian improvements which would include dropped kerbs and tactile paving at the junction of Roundhill Crescent and D'Aubigny Road. Such improvements would ensure safe and attractive walking routes are provided to and from the proposed development.

8.24 The plans submitted show the provision of covered and secure cycle storage, for two cycles, within the south-western section of the site. Such provision is considered consistent with the minimum standards as set out in SPG04 and in accordance with policy TR14 of the Brighton & Hove Local Plan. The provision of such facilities can be ensured via a condition.

**8.25 Ecology/Biodiversity**

It is noted that a Site of Nature Conservation Importance (SNCI) lies approximately 140m to the east of the site (Woodvale, Extra-mural and Downs Cemeteries) however due to the location, scale and nature of the proposal it is considered unlikely that the proposal would have any adverse impacts on this nearby SNCI and its nature conservation value.

8.26 The site currently comprises outbuildings, hardstandings, amenity grassland and flowerbeds, which are considered to be of low ecological value. As such the County Ecologist considers that the site is unlikely to support any protected species and therefore no mitigation measures are required.

8.27 It is considered that the proposal offers opportunities for ecological/biodiversity enhancements to be made at the site such as the use of species of known value to wildlife within a landscaping scheme and the provision of bird boxes and a condition is recommended requiring details of such biodiversity enhancement measures.

**8.28 Sustainability**

In order to comply with policy CP8 of the City Plan Part One the proposed development is required to comply with energy and water efficiency standards, which can be ensured via conditions.

8.29 The plans submitted do not show the provision of refuse and recycling facilities for the proposed unit however it is considered that there is adequate space on site for such provision, an issue which can be ensured via the attachment of a condition.

**9 CONCLUSION**

9.1 It is considered that the impact of the proposed development on the listed building at 101 Roundhill Crescent and on the Round Hill Conservation Area is one that, in historic environment terms, causes some harm but that such harm is less than substantial. Where that is the case the NPPF states that the harm *should be weighed against the public benefits of the proposal, including securing its optimum use.*

9.2 Government planning guidance advises that such public benefits *could be anything that delivers economic, social or environmental progress..* Public benefits which the proposal would create directly are the additional residential accommodation that it represents and the works to improve pedestrian facilities at the Roundhill Crescent/D'Aubigny Road junction that recommended condition 15 seeks. In addition, as listed in the comments by the Heritage Team, some of the works to the existing 101 Roundhill Crescent are regarded as improvements rather than general repairs (which are part of the general responsibility that the owner has to maintain their listed building). In order that the works of improvement are carried out, a condition is proposed linking the implementation of the planning permission recommended here with the implementation of the works set out the concurrent listed building consent application (ref. BH2016/00753) prior to the commencement of development on site.

9.3 In addition to the heritage issues discussed above there are amenity issues in relation to the impact on neighbouring properties. The height of the building has been lowered, albeit by a small amount (to reflect the topography of D'Aubigny Road) in relation to the previous application and the reasoning for the refusal of the previous application- being the impact of the view from gardens in Roundhill Crescent- would of itself not be a strong reason for refusal. The building to building distances in relation to new and existing buildings are not unusual for an inner suburban location and would remain better than that between 99 Roundhill Crescent and 1 D'Aubigny Road.

9.4 In conclusion, with the appropriate conditions to mitigate amenity impacts on neighbouring properties and secure the benefits which balance the 'less than substantial harm' which the proposal would cause, it is considered that the application could be approved.

**10 EQUALITIES**

The topography of the site and the conservation area location militate in favour of a front stepped access. Therefore, it is not possible to provide level access to the front door of the new house.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block plan	1415/P/001		1/3/16
Location plan	1415/P/002		1/3/16
Existing site plan	1415/E01		1/3/16
Existing section & elevations	E02		1/3/16
Proposed ground floor/site plan alteration	1415/P110		1/3/16
Proposed 1 <sup>st</sup> floor & roof plan	1415/P111		1/3/16
Proposed front elevation (without front wall)	1415/P120		1/3/16
Proposed side & rear elevations	1415/P121		1/3/16
Proposed front elevation (showing wall)	1415/P122		1/3/16
Proposed rear elevation & section AA	1415/P123		1/3/16
Contextual collage of front elevation	1415/P124		1/3/16

3) No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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 character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

4) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall 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 and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 5) No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) samples of all render (including details of the colour of render/paintwork to be used) and roofing materials.
  - b) samples of all hard surfacing materials
  - c) samples of all other materials to be used externally
  - d) drawings of the proposed eaves, including in section; render mouldings and proposed chimney at a scale of not less than 1:5.
  - e) drawings of the front and side doors at a scale of not less than 1:20 (general) and 1:1 (details)
  - f) the proposed front entrance steps and proposed piers at a scale of not less than 1:10
  - g) details of all new sash windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections.

Development shall be carried out in accordance with approved details.

**Reason:** in order to ensure that the detail of the building hereby approved is complementary with neighbouring premises in the Round Hill Conservation Area and in order to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan and policy CP15 of the Brighton & Hove City Plan Part One.

- 6) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) details of all hard surfacing;
  - b) details of all boundary treatments;
  - c) details of all proposed planting, including numbers and species of plant, and details of size and
  - d) planting method of any trees.

**Reason:** to ensure that the site is effectively landscaped in the interests of future occupiers and the quality of the street scene within the Round Hill Conservation Area and to comply with policy QD15 of the Brighton & Hove Local Plan.

- 7) All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first 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.

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**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.

- 8) Prior to first occupation of the development hereby permitted, dropped kerbs and tactile paving shall have been installed to the eastern and western footways on Roundhill Crescent at the junction of D'Aubigny Road.  
**Reason:** To ensure that suitable footway provision made to and from the development and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
- 9) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One.
- 10) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 11) No development shall take place until a scheme for nature conservation enhancement, which details the location and specification of bird boxes has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be fully implemented in accordance with approved details prior to the first occupation of the building and shall be retained thereafter.  
**Reason:** To ensure that the scheme makes appropriate provision for ecological enhancements in the form of bird boxes in order to comply with policy CP10 of the Brighton & Hove City Plan Part One.
- 12) The window in the south elevation (dwg. 1415.P/121) of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such. The lower panes of the first floor east elevation window shall be obscure glazed and thereafter retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 13) The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.  
**Reason:** This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first

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occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

- 14) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 15) Development shall not commence until such time as the works to 101 Roundhill Crescent as itemised in the annotations to drawing P/122 approved in listed building consent reference BH2016/ 00753 have been implemented in full.  
**Reason:** The implementation of the itemised works is fundamental as the means by which to satisfy the requirement of para. 134 of the NPPF that harm to a heritage asset may be mitigated by the provision of public benefits.
- 16) The rooflight hereby approved shall be of a 'conservation' style and 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 and CP15 of the City Plan Part One.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One 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 less than substantial harm to heritage assets which the proposal gives rise to is mitigated by the provision of public benefits; impacts on the amenities of adjoining occupiers are not considered to be substantial.
3. The applicant is advised that the proposed highway works as sought by condition 8 should be carried out in accordance with the Council's current Standards and Specifications and under licence from the Streetworks team

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and should contact the Council's Streetworks team ([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 293366).

4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see [Gov.uk website](#)); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under [Part L1A 2013](#), paragraph 2.13.
5. The water efficiency standard required under condition 8 is the 'optional requirement' detailed in [Building Regulations Part G Approved Document \(AD\) Building Regulations \(2015\)](#), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the [AD Part G](#) Appendix A.
6. The applicant is advised that the scheme required to be submitted by Condition 14 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

