

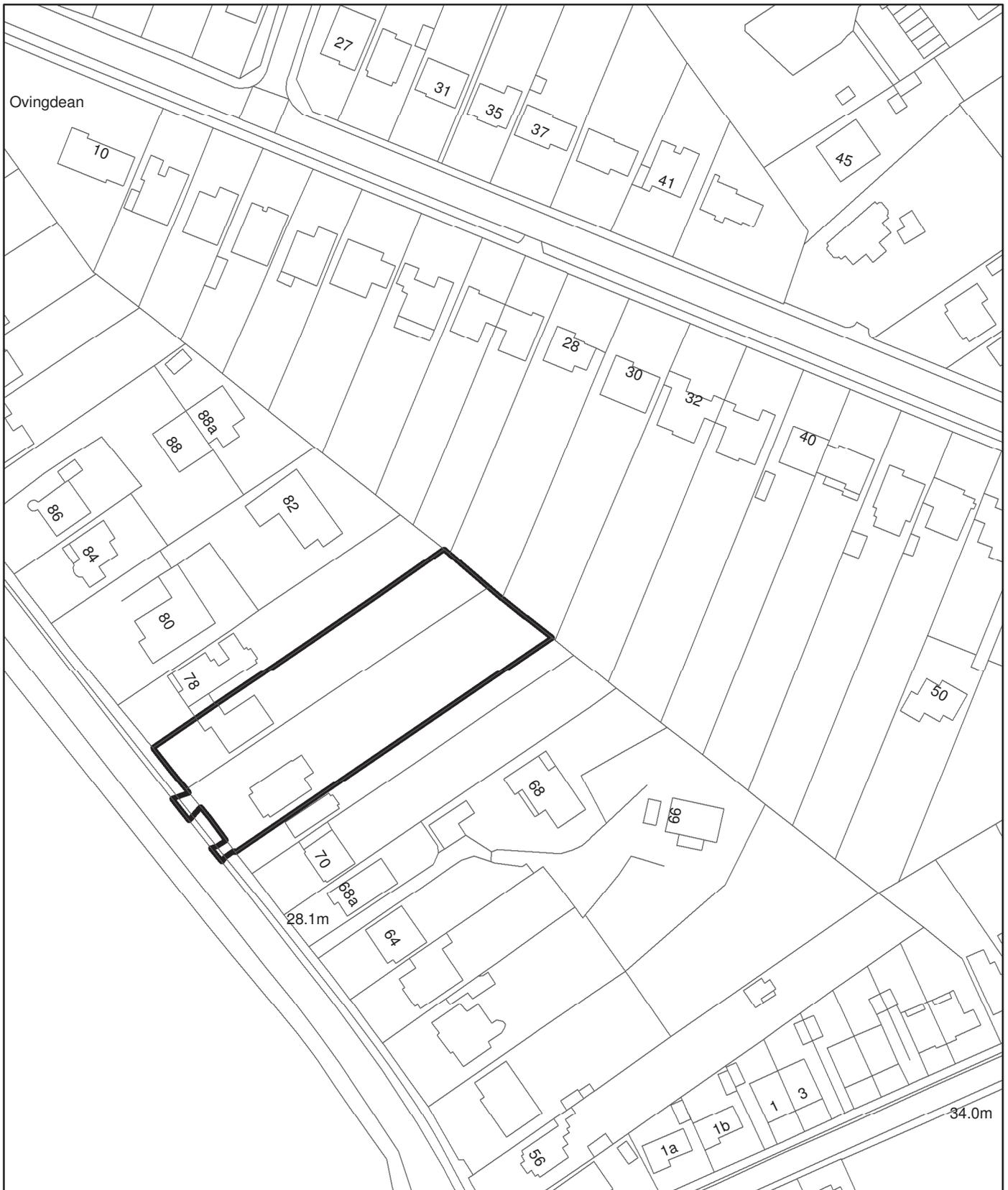
ITEM G

74 & 76 Greenways, Brighton

BH2013/04327
Full planning

10 DECEMBER 2014

BH2013/04327 74 & 76 Greenways, Brighton



Scale : 1:1,250

<u>No:</u>	BH2013/04327	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	74 & 76 Greenways Brighton		
<u>Proposal:</u>	Demolition of existing dwellings and erection of 2no four bed dwellings and 2no 3 bed dwellings.		
<u>Officer:</u>	Paul Earp Tel 292454	<u>Valid Date:</u>	08 January 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05 March 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	John Whiting Architect, 14 Bates Road Brighton BN1 6PG		
<u>Applicant:</u>	Mr Michael Boswood, 27 Beacon Hill Ovingdean BN2 7BN		

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

The application relates to two neighbouring properties located on the eastern side of Greenways in Ovingdean. Both properties are of a detached form although no. 76 is connected to no. 78 via side garages relating to each property. Both properties appear to have been previously extended by way of side or rear extensions.

The area comprises of bungalows/two storey properties set in deep plots, apart from a few exceptions in which the plots have been subdivided and backland developments constructed. The properties within the vicinity of the site along Greenways have prominent pitched or hipped roof forms.

The land slopes from the highway to the rear boundaries of the site and continues to rise to the properties located on Ainsworth Avenue.

A boundary of the South Downs National Park is located opposite the site on the western side of Greenways, and surrounds the built up area of Ovingdean. The site is not within a conservation area.

3 RELEVANT HISTORY

Land rear of 74 & 76 Greenways

BH2013/01213 - Erection of 2no five bedroom detached dwellings with associated landscaping and new access. Refused 21/06/2013. The reasons for refusal were as follows:

- The sub-division of land currently related to nos. 74 and 76 Greenways would result in a development which would compromise the quality of the local environment by virtue of the provision of rear garden areas for the proposed dwellings and nos. 74 and 76 Greenways being of depth which fails to reflect the prevailing character of both plot sizes and rear garden sizes within the surrounding area and as a result the development represents an over-development of the site resulting in 'town cramming'. As such the proposal fails to enhance the positive qualities of the key neighbourhood principles of the area of detriment to the visual amenities of the Greenways street scene and the wider area including the setting of the South Downs National Park. As such the proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton & Hove Local Plan.
- The proposed dwellings, by reason of their design, massing, bulk, height, materials and siting at a higher level would result in an overly prominent and incongruous development. Such a development constitutes an undesirable form of backland development which would be of detriment to the visual amenities of the Greenways street scene and the wider area including views out of the South Downs National Park. The proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton & Hove Local Plan.
- The proposed development would have a detrimental impact on the living conditions of the occupiers of neighbouring properties, especially nos. 74 and 76 Greenways, by virtue of increased noise and disturbance arising from the ingress and egress from the proposed dwellings along the proposed access driveway and as such would be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.
- The proposed development would have a detrimental impact on the living conditions of the occupiers of neighbouring properties, especially nos. 74 and 76 Greenways, by virtue of increased noise and disturbance arising from the ingress and egress from the proposed dwellings along the proposed access driveway and as such would be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

74 Greenways

BH2004/01979/FP - Single storey side extension to north-west elevation. Approved 16/08/2004.

BH2001/01830/FP - Plot R/O 74 Greenways. Erection of detached bungalow to rear of 74 Greenways. Refused 28/09/2001. Appeal Dismissed.

97/0186/OA – Outline application for the erection of a bungalow with integral garage. Refused 29/04/1997. Appeal Dismissed.

91/0677/FP - Erection of single storey rear addition. Approved 12/07/1991.

BN90/1050/OA – Outline application for the erection of a detached garage on land to the rear of no. 74. Refused 24/07/1990. Appeal Dismissed.

BN90/475/F – Erection of detached house with integral garage on land to the rear of no. 74. Refused 1/05/1990.

76 Greenways

17.60 – Demolition of existing bungalow and erection of a bungalow and garage. Granted 15/03/1960.

4 THE APPLICATION

4.1 Planning permission is sought for the redevelopment of the site to form 4 dwellings.

4.2 The proposal development consists of:

Layout:

- demolition of the two existing dwellings
- access drive to centre of site and erection of 2 x four bed dwellings either side of drive to the front of the site and 2 x three bedroomed houses to the rear of the site at the head of the drive.

Front properties:

- to measure 10.2m wide x 12.0m deep x 7.1m high, to form 1.5 storey chalet bungalows. Gross internal floor area of 170m², to include integral garage.
- Design: front bay with balcony at first floor level; dual pitched roof form; dormers within front, rear and side roofslopes; rooflight and 6 pv cells on side roofslope.

Rear properties:

- to measure 9.8m wide at ground floor level and 6.7m wide at first floor (not above garage and area to rear, front bay and entrance porch, which have a flat roof) x 10.8m deep x 7.1m high, to form two storey houses. Gross internal floor area of 126m² to include garage.
- Design: front bay; pitched roof form to incorporate rooflight on each slope and 4 pv cells on south facing slope.

Materials:

- Walls: brick at ground floor, render at first floor; roof - concrete tile, felt flat roof; windows – polyester powder coated aluminium; doors - polyester powder coated aluminium and hardwood; driveway – block paving, bollard lighting.
- Boundary treatment: close boarded fences and hedges to create 4 plots.

General aspects:

- Amenity space: each property with front and rear amenity space. Rear gardens range from 10m to 23m in length.
- Refuse / recycling: to be located to rear of front dwellings, and to front of rear dwellings.
- Cycle storage: 2 spaces to be provide per dwelling, location not shown on plans.
- Car parking: 1 space per dwelling to be accommodated within garage. Space on driveway for additional vehicles.

4.3 The application has been amended to overcome concerns regarding overlooking and general disturbance from the use of the detached double garages to the rear of the front houses. These garages have been removed and integral garages proposed to the front properties. Balconies to the front elevation of the rear houses have been deleted and the main first floor window reduced in size

5 PUBLICITY & CONSULTATIONS

Comments on the original scheme:

External

5.1 Neighbours:

Seventeen (17) letters of representation have been received from occupiers of: **24, 26, 28, 32 (x2), 34, 42 (x2), 50 Ainsworth Avenue; 6 Ainsworth Close; 6 Beacon Hill; 68a, 72, 78, 80, 82, Field End, Greenways; 9 Longhill Road** objecting to the application for the following reasons:

- The proposal would result in unsympathetic garden land development.
- This will be cramming in properties and an overdevelopment which will compromise the quality of the local environment.
- To replace 2 dwellings with 4 significantly increases the density. The development is too large for the plot.
- Garden being surplus to current occupiers needs is no excuse to build on it.
- Harm to the setting of the South Downs National Park and the character of the area.
- Additional hard landscaping diminished green aspects of the National Park and will be clearly visible from footpaths on the hills to the west of the development.
- People buy properties in the area because of the views of the South Downs and the green and open spaces of the area around. If this start to be compromised by development this will have an overall impact on the area.
- Approval will create a precedent for other development in rear gardens which will overload local amenities, increase traffic, crowding this small village.
- Building on the uninterrupted, undeveloped and quiet area formed by the many adjoining gardens will have an adverse impact on the birds and animal life of the area.
- Harm to the open and semi-rural character of Ovingdean Village, and Greenways in particular.
- Against policy to develop rear gardens which are now classified as Greenfield sites.
- Harm to amenity caused by overlooking. The proposal would have significant impact on the amenities of 72, 74, 76 & 78 Greenways by virtue of overlooking from the proposed balconies.
- The elevated large rear social terrace designed for outdoor living will lead to overlooking, loss of privacy and disturbance.
- The loss of huge cedar tree which was blown down in the storm over Christmas 2013 means that the development of the site will be more obtrusive and have a greater detrimental effect on the amenity value of the area, especially the rear garden of 28 Ainsworth Avenue where the tree was sited.
- Harm to amenity caused by additional traffic and disturbance. Garages built at the back will increase noise and disturbance from ingress and egress.
- Concerns over pedestrian safety with at least 8 vehicles using a single driveway.

- Occupiers of adjacent properties will suffer from fumes and toxins from vehicular movements.
 - Similar applications have been refused four times by the Planning Authority, the most recent in June 2013, and dismissed twice on appeal. There is no reason to divert from the conclusion that the residential development of this land would be harmful to the character of the area and harmful to residential amenity by virtue of overlooking and increased noise and disturbance.
- 5.2 **Ovingdean Residents & Preservation Society: Object.** The Society has no issue with building on this plot but feel the plan is an overdevelopment of the site.
- 5.3 **Four (4)** letters of representation have been received from the occupiers of: **16 and 19 Beacon Hill, 5 The Ridings; 49 Wanderdown Road** supporting the application for the following reasons:
- This is an attractive development no different to others that have been allowed in Ovingdean in recent years, some adjacent to the site, another in Longhill Road. It appears to fit in well with the rear building line.
 - This is a well designed, efficient and modest housing scheme which makes the most of available urban land.
 - The scheme will have no detrimental effect on existing properties and has been designed to safeguard the privacy of neighbouring properties.
 - Welcome the increase in the housing stock, which can occur without increasing urban sprawl.

Comments on the scheme as amended:

External

5.4 **Neighbours:**

- Seven (7)** letters of representation have been received from the occupiers of: **26, 28, 32, 50 Ainsworth Avenue; 68a, 72, 82 Greenways** objecting to the application for the following reasons:
- Despite amendments still object to the proposal on the grounds of the original application in that it would adversely impact on the semi-rural character of the area and conflict with policy against the development of rear gardens which are now classified as Greenfield sites.
 - Sets a precedent for further back land development in the area.
 - The development has an adverse impact on the streetscene, and on views into the village from the National Park. The land forms an important village green space which contributes significantly to the character of the village.
 - Development will still take away significantly from the green appearance of the village when viewed from the hill opposite.
 - Development still removes significant privacy from adjacent neighbours especially in light of three very large trees lost in last winter's storms.
 - Potential for a significant number of vehicles coming and going from the site, with more parked cars and traffic along Greenways.
 - Adverse impact on neighbouring properties caused by overlooking and additional traffic and disturbance.

- Too close to the adjacent property 72 Greenways, particularly bedroom window which will lead to loss of privacy especially as the proposed front elevations are mainly glass.
 - Adverse impact on wildlife, with foxes and badgers that have dens and setts on the land and surrounding area.
 - The houses are too large for the plot and out of character with the rest of Greenways. Properties could be enlarged at a latter date to form an extra floor to create even larger buildings.
 - Proposal is contrary to policies QD1, QD3 and QD27 of the Local Plan. Whilst object to the principle of the development and the harm it would cause to the South Downs National Park and character of the area, and the adverse impact on amenity by overlooking and additional traffic and disturbance, should the application be approved request conditions to remove permitted development rights, and restrict the use of the access to users or visitors of the rear dwellings only.
- 5.5 **Ovingdean Residents & Preservation Society:** Object. The Society have previously objected to the application on a Greenfield site on the grounds of overdevelopment and overlooking of surrounding properties. Still object to the continuing adverse impact on neighbouring properties. Apart from the removal of the two garages, which could be replaced without planning permission at a later date, can see little change from the previous scheme.
- 5.6 **One (1)** letter of representation has been received from the occupiers of **6 Beacon Hill** supporting the application for the following reasons; Support the application for the following reasons:
- There is an urgent need for more housing and this is a well thought through development which will have a minimum effect on the area as this is a massive site and the proposal is very modest and in keeping.
- 5.7 **South Downs National Park Authority:** No objection. The site is immediately adjacent to the South Downs National Park and recommend that any development respect its setting, use appropriate materials and character of design.
- Internal:**
- 5.8 **Environmental Health:** No comment.
- 5.9 **Planning Policy:** Support. Significant weight should be given to the contribution of the proposed development toward meeting the city's housing requirement and carefully balanced against the impact of the development on the setting of the South Downs National Park and the character of the neighbourhood. Paragraph 14 of the NPPF should be applied and requires that, in these circumstances, planning permission should be granted except where adverse impacts significantly and demonstrably outweigh the benefits. The proposed housing mix would meet the requirements for market housing in the city.
- 5.10 **Sustainability:** Support. The proposal meets local requirements and recommend approval with conditions to secure Code for Sustainable Homes Level 5, Lifetime

Homes, use of Considerate Constructors Scheme, submission of a feasibility study for rainwater harvesting and/or grey water recycling.

- 5.11 **Sustainable Transport:** Support: The proposal increases the number of properties from 2 to 4 which will not have a significant impact on the highway. The application as amended, which provides parking to the front properties within integral garages to the front of the building rather than in garages to the rear of the properties will reduce the likelihood of conflict between pedestrians and vehicles on the access road. The rear properties each have a single garage. Parking provision accords with the councils parking standards.
- 5.12 Cycle parking is intended to be provided within the garages. Whist the garage to the front properties are of adequate size, the garages to the rear are less wide and it would mean moving the car to get the bike out and would therefore not provide convenient access. This should be addressed by providing a dedicated cycle store elsewhere on site.
- 5.13 **Access Officer:** The approach to all entrances should be level or gently sloping; the plans indicate a step.
- 5.14 **Arboriculturalist:** Support. No arboricultural report has been submitted with the application. Several trees and shrubs will be lost to facilitate the development, eg, 5 – 6 apple trees of small stature, a cherry of small stature, Escallonia, Euonymous, other hedging specimens, none of which are worthy of Preservation Order. The remaining boundary screening on the edges of the development site as well as trees of certain species that are to remain post-development should all be protected during the course of the development. An Arboricultural Method Statement should be submitted for approval prior to any development commencing. A landscaping scheme should also be submitted showing replacement planting for that which will be lost.

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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Planning Advice Note

PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste
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Supplementary Planning Guidance

SPGBH4	Parking Standards
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Supplementary Planning Document

SPD03	Construction and Demolition Waste
SDP06	Trees and Development Sites
SPD08	Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

CP1	Housing delivery
SA5	The South Downs
CP12	Urban design
CP14	Housing density
CP19	Housing mix

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed development and the suitability of the plot to accommodate the new dwellinghouses, the effect of the proposal upon the character and appearance of the Greenways streetscene and the wider area including the impact upon the adjacent South Downs National Park, impact on the amenity of neighbouring properties and future occupiers, highway considerations and sustainability issues.

Background:

- 8.2 This application follows the refusal on 21 June 2013 of application BH2013/01213 for the erection of 2 x 5 bedroomed detached dwelling to the rear of the plot. The application was refused for the following reasons:

- i) The sub-division of land currently related to nos. 74 and 76 Greenways would result in a development which would compromise the quality of the local environment by virtue of the provision of rear garden areas for the proposed dwellings and nos. 74 and 76 Greenways being of depth which fails to reflect the prevailing character of both plot sizes and rear garden sizes within the surrounding area and as a result the development represents an over-development of the site resulting in 'town cramming'. As such the proposal fails to enhance the positive qualities of the key neighbourhood principles of the area of detriment to the visual amenities of the Greenways streetscene and the wider area including the setting of the South Downs National Park. As such the proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton & Hove Local Plan.
- ii) The proposed dwellings, by reason of their design, massing, bulk, height, materials and siting at a higher level would result in an overly prominent and incongruous development. Such a development constitutes an undesirable form of backland development which would be of detriment to the visual amenities of the Greenways streetscene and the wider area including views out of the South Downs National Park. The proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton & Hove Local Plan.

- iii) By reason of resulting in the loss of open garden area and increasing the density of the transition between the existing urban area and the adjacent countryside and South Downs National Park the proposal would be of detriment to the visual amenities of the Greenways streetscene and strategic views out of the South Downs National Park harming its setting. As such the proposal is therefore contrary to policies QD1, QD2, QD4, QD14, NC7, NC8 and HE6 of the Brighton & Hove Local Plan.
 - iv) The proposed development would have a detrimental impact on the living conditions of the occupiers of neighbouring properties, especially nos. 74 and 76 Greenways, by virtue of increased noise and disturbance arising from the ingress and egress from the proposed dwellings along the proposed access driveway and as such would be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8.3 The site has been subject to numerous applications with four planning applications for the erection of a new dwelling to the rear of No.74 being refused in 1990, 1997 and 2001, and the appeals against three of the refusals dismissed due to the harm of the proposal upon the character and appearance of the surrounding area and the impact upon the amenities of the neighbouring properties.
- 8.4 The last appeal decision relates to application BH2001/01830/FP for the erection of a bungalow to the rear of No.74. In dismissing the appeal the Inspector also referred to the previous Inspectors comments in relation to the earlier appeal for a bungalow in 1997, application 97/0186/OA, in that the introduction of a new activity into the back garden area, including the movement of vehicles, would be likely to result in unacceptable noise and disturbance to the occupiers of adjoining dwellings. In conclusion it was considered that the lack of harm likely to be created by overlooking was outweighed by the adverse effect that the proposal would have on the character and appearance of the surrounding rear, and the disturbance which would be caused to the occupiers of adjacent dwellings. For these reasons the appeal was dismissed.
- 8.5 The main differences between the current application and the previously refused application are:
- The whole site is to be comprehensively redeveloped with the existing two dwellings to be demolished and 4 dwellings erected. Previously the scheme was for the construction of 2 new dwellings to the rear of the existing.
 - The proposed rear houses have been reduced in height. The ridge height has been reduced from 8.6m to 6.9m and cut into the sloping land so as to appear 1 - 1.5 storey high compared to the natural ground level.
 - The rear dwellings are located further from the front and side boundaries of the site.
 - Gross floor area has been reduced from 320m² to 167m².
 - Proposed materials and design are more traditional to be in keeping with surrounding properties. The site as a whole is to be redeveloped to create cohesive development. The previous scheme was for two

contemporary style dwellings with curved green roofs and timber cladding to the rear of traditional bungalows

- 8.6 This current scheme has been amended by replacing the proposed detached garages to the rear of the front properties with integral garages, and removing the first floor balconies and reducing the size of the first floor windows to the front elevation of the rear houses.

Principle of development:

- 8.7 The application site is located within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle although any development must adequately accord with relevant policies of the Brighton & Hove Local Plan.
- 8.8 The NPPF sets out a presumption in favour of sustainable development which is a balance between the three mutually reinforcing aspects of economic, social and environmental sustainability. The social angle of sustainable development requires housing to meet the needs of present and future generations and by creating a high quality built environment. The environmental angle requires protection and enhancement of the built environment.
- 8.9 The definition of previously developed land is contained in Annex 2 of the NPPF and excludes land in built-up areas such as private residential gardens, the proposal therefore constitutes in part 'Greenfield' development. In regard to the development of residential gardens, paragraph 53 of the NPPF states that "local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."
- 8.10 One of the core planning principles set out in the NPPF is always to seek high quality design and a good standard of amenity for all existing and future occupants. Paragraph 47 of the NPPF aims to "boost significantly the supply of housing".

Need for housing:

- 8.11 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.
- 8.12 Significant weight should be given to the contribution of the proposed development toward meeting the city's housing requirement and carefully

balanced against the impact of the development on the setting of the South Downs National Park and the character of the neighbourhood.

- 8.13 Policy CP1 of the City Plan seeks to meet the housing requirement of the city by promoting efficient use and development of land including higher densities in appropriate locations. The application seeks the demolition of two residential properties and the erection of four replacement properties, resulting in an equivalent density of 26 dwellings per hectare.
- 8.14 Since the refusal of the previous application (BH2013/01213) the City Plan has been through an examination hearing and the Inspector has sent initial conclusions, in which the Inspector indicated that the city's full objectively assessed need for housing should be set at 20,000 units for the plan period.
- 8.15 The council is not currently able to demonstrate a five year housing land supply against that requirement. Significant weight should therefore be given to the contribution this application would make towards meeting the city's housing requirement. This is a material change since the refusal of the previous application for the site (BH2013/01213) and the appeal decision at 74 Greenways (BH2001/01830/FP, appeal ref APP/Q1445/A/01/1077874). For these reason the positive contribution that the development would make toward the city's housing stock is to be welcomed. The proposed housing mix would meet the requirements for market housing in the city.

Impact on South Downs

- 8.16 Policy SA5 of the City Plan and NC8 of the Local Plan require developments to have due regard to the impact on the setting of the South Downs. Policies QD4 and NC8 of the Local Plan require development to preserve or enhance strategic views, including those from the Downs.
- 8.17 Intensification of the built-up area and uncharacteristic over-development of sites in close proximity to the South Downs can have a detrimental impact on the setting of the National Park. The land rises to the rear of the site and whilst the front dwellings are located on flat land the proposed rear dwellings would be dug into the existing landscape to appear 1.5 storey above ground level when viewed from the front and single storey from the rear, with pitched roofs. Within the immediate vicinity dwellings exist to the rear of No's. 60-62, 64-68a, and 80. The proposed buildings to the rear of the site are roughly on the building line of No's. 68 and 82 which are two of the properties built to the rear of properties on the front building line, and lower in height. The existing bungalows to the front of the site are a similar height as the adjacent bungalow to the north No. 78, and lower than the two storey house to the south, No. 72. The proposed dwellings have a similar eaves height as existing but steeper pitched roof to provide accommodation within the space. The buildings would be of similar height to No.72, and others along Greenway to the south.
- 8.18 A number of backland developments have already occurred along Greenways, namely nos. 88, 88a, 82, 68 and 99 Greenways which has resulted in the subdivision of a number of neighbouring plots. No planning history has been identified for the construction of nos. 88, 88a, 82 and 99 Greenways. The

construction of no. 68 was allowed at appeal following the initial refusal of application 97/01711/OA, which pre-dates the current Local Plan. These examples do not set a precedent for backland development in this area and each proposal must be considered on its merits.

- 8.19 The site is between these other backland developments and the proposed development would retain substantial gardens. The two additional units would have lower ridge heights and reduced general mass compared to existing backland housing that forms part of the established character of the area. The South Downs National Park Authority have not objected to the proposal in principle but recommend that any development respect its setting, use appropriate materials and character of design. Given the existing backland development in the vicinity, together with the location, density, proposed landscaping and general scale of the proposed development is considered that the proposal would not result in a significant or demonstrably detrimental impact on the setting of the South Downs. A condition requiring land levels would ensure the dwellings are not built higher than shown.

Impact on amenity:

Design considerations:

- 8.20 Planning policies QD1, QD2, QD3 and QD5 state that all new development should emphasise and enhance the positive qualities of the local neighbourhood by taking into account local characteristics including height, scale, bulk and design of existing buildings, and materials.
- 8.21 The immediate neighbourhood is of mixed character, age and design, with a predominance of detached bungalows and chalet style bungalows set within plots of varying sizes, with No.74 being the largest in the vicinity. The scale of the size and scale of the proposed rear dwellings have been significantly reduced compared to the earlier refusal with the ridge height 1.7m lower to 6.9m in height, and the footprint reduced from 329m² to 168m². The two replacement dwellings to the front occupy a similar location as the existing dwellings but with reduced footprint and increased height. The scale and bulk of the proposed buildings is similar to others in the area.
- 8.22 In terms of appearance, the proposed properties have tiled pitched roofs and are brick at ground floor and render a first floor, which reflect the style and materials of properties in the area. The front properties have a ground floor bay with floor to ceiling windows, with the flat roof forming a balcony accessed from a floor to ceiling window at first floor level. These features are to take advantage of the view of the farmland / Downs opposite. The properties at the rear have similar large first floor windows in the front elevation, but the balconies originally proposed have been deleted to prevent overlooking of neighbouring properties and gardens. Together, the four properties create a small development with a cohesive style which has evolved to take account of the impact on adjacent dwellings.
- 8.23 This small development is of a massing and density which relates well to its setting and given the mix of dwellings types within the immediate area, with bungalows, chalet bungalows and houses, of varying design, is considered to

make a positive contribution to the variety of architecture of the area without adversely impacting on residential amenity. A condition is proposed to remove permitted development rights to ensure that alterations cannot take place without further approval so that impact on design and amenity can be assessed.

Impact on residential amenity:

- 8.24 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.
- 8.25 The proposed is for the demolition and replacement of the existing two properties with two dwellings on a similar front building line and footprint slightly wider but less deep. An access road is located between the properties to serve the proposed two properties to the rear of the site which are cut into the site. The proposal has been amended to remove garages to the rear of the front properties and first floor balconies to the front of the rear properties to reduce the impact of the development on the amenities of the occupiers of adjacent properties by way of traffic movement and overlooking.
- 8.26 In relation to impact on the property to the south, No. 72, the depth of the proposed property is 5m less than the existing and the proposed dwelling has only one small window to the integral garage in the side elevation facing the side of No. 72. Currently there are 3 windows in the side elevation. No. 72 is a two storey dwelling with a single storey rear conservatory which extends beyond the proposed dwelling, and although this could be viewed from the proposed first floor rear window would only be at an oblique angle. Similarly No. 72 may be seen from the front first floor window of the proposed properties to the rear, but given the separation distance of 30m and that the window is to a bedroom rather than a living room, it is not considered that the degree of overlooking would be sufficient to warrant refusal.
- 8.27 In relation to the impact of the proposal on the property to the north, No.78, the properties are separated by a fence and hedge and currently only the roof of No. 78 is visible from the side of No. 76. Whilst the proposed dwelling is higher than the existing, the depth of the building has been reduced and half of the depth of the proposed dwelling will be adjacent to the garage of No.78. The proposed dwelling is to be 1m from the side boundary with No.78 and 3.5m from the property and it is not considered that the proposed front dwelling will adversely impact on No.78 to any significant degree. The impact of the proposed rear properties is similar to that on the other adjacent property, No. 72. Given the separation distance of a minimum of 26m, and the existing hedge along the boundary which is approximately 3m in height, any overlooking of the garden will not be significant.
- 8.28 The site rises to the rear and the proposed dwellings are separated from properties to the rear by a minimum of 65m. The site is generally surrounded by high thick hedging and the properties to the rear in Ainsworth Avenue, due to the separation distance and vegetation will not be overlooked. Similarly, the

nearest existing backland properties, 68 and 82 Greenways, will not be overlooked due to orientation and existing screening.

Impact from the use of the drive / pedestrian access:

- 8.29 The two properties to the rear are accessed by a drive located within the centre of the site, between the two dwellings proposed to the front of the site. This access drive was also proposed on the previously refused scheme (BH2013/01213) for the erection of two dwellings to the rear of the site, with the existing dwellings to the front of the site to remain. One of the reasons for refusal was the detrimental impact of the living conditions of the occupiers of neighbouring properties, especially the existing two front properties No's 74 and 76 Greenways, by virtue of increased noise and disturbance arising from the use of the access drive. This was largely due to the relatively close proximity between the proposed driveway and the side elevations which contain windows. This current scheme is for a comprehensive redevelopment of the site with no ground floor windows facing the drive and only a first floor window within a dormer to a bathroom, a non-habitable. The driveway at 3m wide is narrow between the properties, and additional planting will help mitigate noise.
- 8.30 Given that the amount of vehicular movements generated from two properties should not be high, it is not considered that the impact of its use would be at a level to create undue disturbance. For these reasons it is considered that the benefits of developing and making efficient use of the land by increasing the housing stock outweighs any negative impact from the use of the drive and overcomes the previous reason for refusal.
- 8.31 The drive is to serve the rear properties only with the front properties having their own access which is an improvement on the previous proposal as it reduces traffic on the drive and therefore potential vehicular and pedestrian conflict. The use of the drive as a shared vehicular and pedestrian access in not considered to be an issue given the limited volume of use that is likely to be generated from two dwellings.

Transport issues:

Car parking provision:

- 8.32 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4. Policy QD28 seeks planning obligations where necessary to secure the provision of contributions towards the provision of public transport and pedestrian and cycle route infrastructure where necessary.
- 8.33 The proposal is for the demolition of the existing two properties, each of which have a garage and drive which can accommodate further off-street parking. The

proposal has been amended to delete double garages to the rear of the front properties so that the proposed four dwellings each have an integral single garage; a further car could be accommodated on the drive in front of the garage. Despite public objections that additional traffic and disturbance will harm amenity caused the Traffic Engineer states that whilst the proposal is forecast to increase trip generation to and from the site as there are two additional units, the forecast increase is not considered to have a significant highway impact. The parking provision accords with the parking standards of SPG04. In light of this and the fact that the development is below the Temporary Recession measures the Highway Authority is not seeking a S106 contribution

Cycle parking provision:

- 8.34 SPG04 requires a minimum of 1 cycle parking space per unit plus 1 space per 3 units for visitors. In order to accord with policy TR14 cycle parking provision should be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 8.35 The proposal provides space for 2 cycles within each of the garages which the Traffic Engineer considers to be an adequate level of provision. The garages at the front of the site are of adequate size to provide convenient cycle parking. The garages to the rear properties are narrower and would require users to move the car to get cycles in or out, and therefore do not provide convenient access. For this reason a dedicated cycle store should be provided elsewhere on the site and secured by condition.

Sustainability:

- 8.36 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. The application has addressed relevant aspects of policy.
- 8.37 The application is accompanied with the Sustainability Checklist which states that the proposal will achieve Code level 5. The development includes renewable technologies such as ground or air source heat pumps and solar technologies including solar photovoltaics and solar thermal, the use of sustainable materials, rainwater harvesting for irrigation and toilet flushing, grey water recycling and composting provision in the garden. Refuse and recycling facilities are to be located to the rear of front dwellings, and to front of rear dwellings.
- 8.38 Whilst the applicant states that these sustainability provisions will achieve Level 5 of the Code for Sustainable Homes Code Level 4 is sought by condition in accordance with the requirements of SPD08. The construction of the building to a higher standard would be welcomed but not obligatory.

Site waste management:

- 8.39 Policy SU13 states that development proposals should have regard to the minimisation and reuse of construction waste. This is reinforced by SPD03 Construction and Demolition Waste which sets out best practice. A Waste Minimisation Statement accompanied the application which states materials for demolition will be reused and recycled where possible. Separate bins will be

used for separating waste materials. New building materials will be sourced from local suppliers where possible.

Lifetime Home Standards:

- 8.40 Policy HO13 related to lifetime homes. The units are of adequate size and layout to meet current standards and the Access Officer considers the proposal to be satisfactory subject to the approach to all of the entrances being level or gently sloping. The entrances have a single step, but this could be amended by condition.

Landscaping:

- 8.41 Policy QD15 relates to landscape design and states that all new development must include suitable landscaping and open space provision.
- 8.42 The existing properties have extremely large gardens which are surrounded with high, dense hedges which provide screening from neighbouring properties. The application is not accompanied by an arboricultural report but the Arboriculturist notes that several trees and shrubs, including a cheery tree and 5/6 apple trees of small stature, and hedging specimens will be lost to facilitate the development, However, as none are considered worthy of Preservation Order no objections are raised to their loss. The remaining boundary screening, together with the trees that are to remain should all be protected during the course of the development, an Arboricultural Method Statement, and landscaping scheme showing replacement planting, is to be secured by condition.

9. CONCLUSION

- 9.1 This application is for the redevelopment of the site and increases the number of dwellings from 2 to 4 with the development of the large rear gardens. Since the refusal of the previous application, BH2013/01213, and subsequent refusal on appeal, the City Plan has undergone an examination in public and the Inspector has sent initial conclusions, in which the Inspector indicated that the city's full objectively assessed need for housing should be set at 20,000 units for the plan period. The council is not currently able to demonstrate a five year housing land supply against that requirement and significant weight should be given to the contribution this application would make towards meeting the city's housing requirement. This is a material change since the refusal of the previous application for the site and overcomes the previous objection to the principle of sub-division of the land.
- 9.2 For the reasons stated it is considered that the proposed development overcomes the previous reasons of refusal. The proposed dwellings, which have smaller footprints and are lower than the previously refused scheme, and given the landscaped setting and existing adjacent backland development, would not appear prominent when viewed from surrounding areas or adversely impact on the setting of the National Park or the Greenways streetscene. The provision of two additional dwellings, served by a driveway within the centre of the site and not adjacent to the boundaries with neighbouring properties, is not considered to be of a scale which would generate a level of traffic movements which would significantly impact on neighbouring residential amenity.

9.3 Paragraph 14 of the NPPF states that planning permission should be granted except where adverse impacts significantly and demonstrably outweigh the benefits. It is considered that the proposed housing mix would meet the requirements for market housing in the city and the buildings would provide visual interest in the streetscene without detriment to the residential amenities of the occupiers of neighbouring properties. The development provides adequate cycle storage and achieves a high standard of accommodation in terms of Lifetime Homes Standards and sustainability. For these reasons it is considered that the benefits of the proposal accord with Paragraph 14 of the NPPF and local plan policies.

10 EQUALITIES

10.1 The ground floor unit are capable of providing level threshold and the units meet Lifetime Homes Standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location and Block Plans	1219/P2/001	A	13 th May 2014
Site Plan & streetscape elevation as existing	1219/P2/002		19 th December 2013
Site Plans as Proposed	1219/P2/003	A	13 th May 2014
Site Plan as Proposed with Survey Overlay	1219/P2/004	A	13 th May 2014
Site Sections & streetscape as Proposed	1219/P2/005	A	13 th May 2014
Existing elevations – No. 74	1219/P2/006		3 rd January 2014
Existing elevations – No. 76	1219/P2/007		3 rd January 2014
Photomontage	1219/P2/201	A	13 th May 2014
Front houses - ground floor plans & front elevations	1219/P2/101	A	13 th May 2014
Front houses - first floor and roof plans	1219/P2/102		13 th May 2014
Front houses - rear & side elevations	1219/P2/103	A	13 th May 2014
Rear houses – ground floor plans and front elevations	1219/P2/104	A	13 th May 2014

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Rear houses – first floor & roof plans	1219/P2/105	A	13 th May 2014
Rear houses – rear & side elevations	1219/P2/106	A	13 th May 2014

- 3) The development hereby permitted shall be undertaken in accordance with the Waste Minimisation Statement received on 19 December 2013. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
- 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) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. **Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 6) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. **Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 7) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted, including details of window openings, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

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- 8) No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details. **Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 9) No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. **Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 10) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. **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) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code Level 4 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 12) The development hereby permitted shall not be commenced until a feasibility study for rainwater harvesting and/or greywater recycling to reduce water consumption of the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to occupation and thereafter be retained as such. **Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy and water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.3 Pre-Occupation Conditions:

- 13) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 14) 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.
- 15) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code Level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 16) The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted and in accordance with a specification that has been **Reason:** In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
- 17) 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 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.

11.4 Informatives:

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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. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.
3. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed residential units will make a positive contribution to the city's housing stock, provide family homes with gardens [and off-street car parking], and would respect the scale of development of the immediate vicinity without adversely affecting the setting of the South Downs National Park or the street scene. Adjoining properties would not be adversely affected. The scheme would achieve the appropriate standard of accommodation in terms of Lifetime Homes Standards and sustainability.