





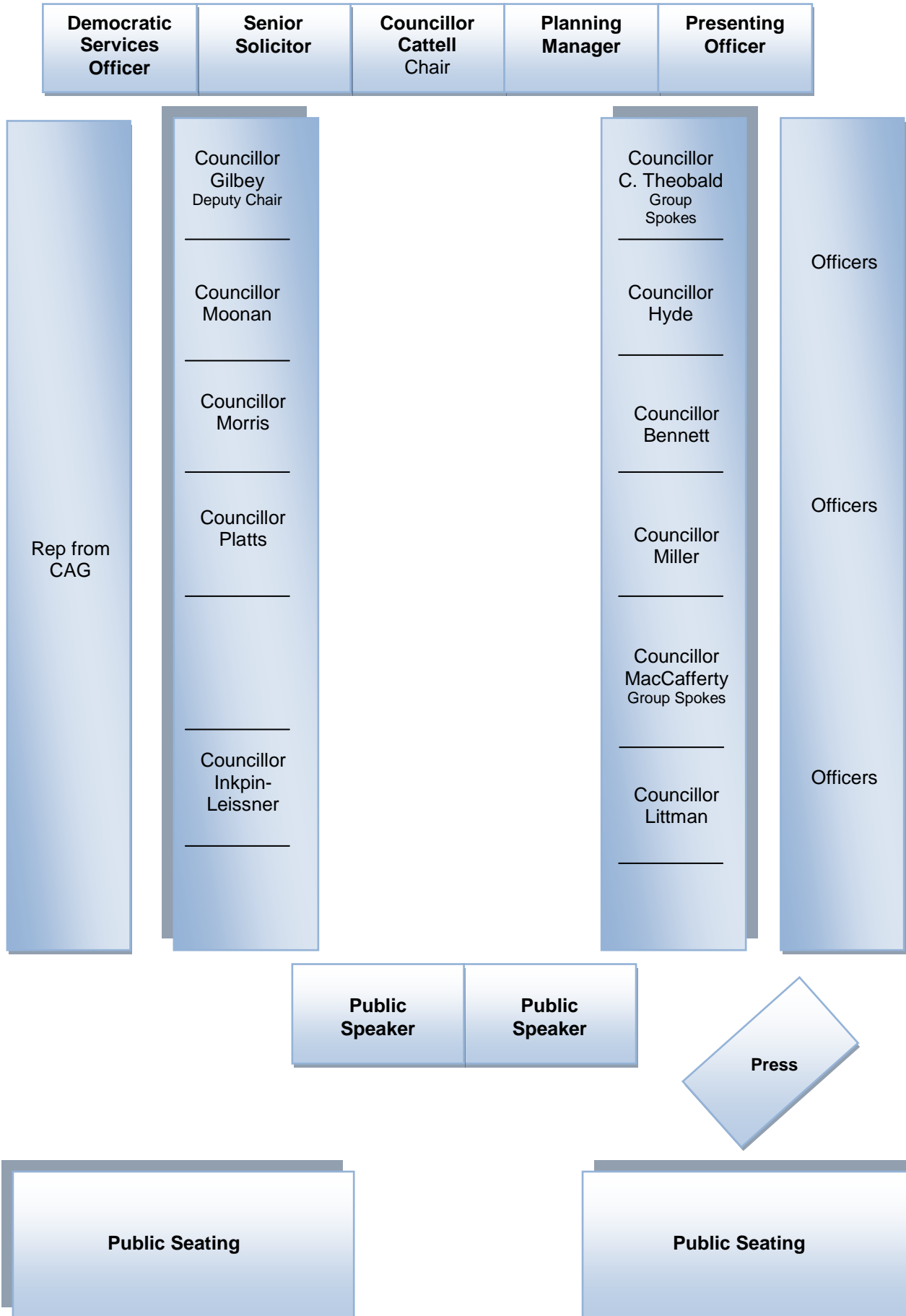
**Brighton & Hove  
City Council**

# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>7 March 2018</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morris and Platts</p> <p><b>Co-opted Members:</b> Conservation Advisory Group Representative</p>
Contact:	<p><b>Penny Jennings</b> Democratic Services Officer 01273 29-1065/29-1354 planning.committee@brighton-hove.gov.uk</p>

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# Democratic Services: Planning Committee



## AGENDA

### 104 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.*

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'aeroplane mode'.

## PLANNING COMMITTEE

### 105 MINUTES OF THE PREVIOUS MEETING 1 - 10

Minutes of the meeting held on 7 February 2018 (copy attached).

### 106 CHAIR'S COMMUNICATIONS

### 107 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of noon on 28 February 2018.

### 108 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

### 109 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

*Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.*

#### MINOR APPLICATIONS

#### A BH2017/04186, Rear of 62-64 Preston Road, Brighton - Full Planning 11 - 24

Erection of a 5 no storey extension to rear of existing building incorporating for basement enlargement and alterations to provide 4no flats (C3) and bin store.

**RECOMMENDATION – REFUSE**

*Ward Affected: Preston Park*

#### B BH2017/02771, Pavilion and Avenue Lawn Tennis Club, 19 The Drove, Hove - Full Planning 25 - 40

Installation of 8no eight metre high floodlights to courts 6, 7 and 8.

**RECOMMENDATION – GRANT**

*Ward Affected: Hove Park*

#### C BH2018/00099, 45 The Drove, Hove - Householder Consent 41 - 52

Demolition of existing conservatory and erection of two storey side extension, with Juliet balcony and 2no front rooflights. Roof alterations incorporating 3no rooflights, alterations to fenestration. Creation of hardstanding and vehicle crossover.

**RECOMMENDATION – GRANT**

*Ward Affected: Hove Park*

#### D BH2017/03712, 13 Park Rise, Hove - Householder Consent 53 - 60

## PLANNING COMMITTEE

Erection of single storey rear extension and associated works.  
RECOMMENDATION - GRANT

- E BH2017/03299, 82 Southover Street, Brighton - Full Planning 61 - 74**
- Change of use from three bedroom dwelling (C3) to five bedroom small house in multiple occupation (C4) (Retrospective).  
**RECOMMENDATION – GRANT**  
*Ward Affected: Hanover and Elm Grove*
- F BH2017/00201, 14 Eaton Gardens, Hove - Full Planning 75 - 88**
- Change of use from Nursing Home (C2) to 15no bedroom House in Multiple Occupation (Sui generis) incorporating internal alterations to layout and rationalising of existing pipework (Part retrospective).  
**RECOMMENDATION – GRANT**  
*Ward Affected: Goldsmid*
- G BH2017/00202, 14 Eaton Gardens, Hove - Listed Building Consent 89 - 98**
- Change of Use from Nursing Home (C2) to 15no bedroom House in Multiple Occupation (Sui generis) incorporating internal alterations to layout and rationalising of existing pipework (Part retrospective)  
**RECOMMENDATION – GRANT**  
*Ward Affected : Goldsmid*
- H BH2017/03397, 69 Saltdean Drive, Saltdean, Brighton - Full Planning 99 - 110**
- Erection of single storey rear extension with associated roof extension. Side passageway roof alteration. Replacement white UPVC windows and doors to match existing (Retrospective).  
**RECOMMENDATION – GRANT**  
*Ward Affected: Rottingdean Coastal*
- I BH2017/03400, 69 Saltdean Drive, Saltdean, Brighton- Full Planning 111 - 122**
- Conversion of existing garage into habitable space with revised fenestration (Retrospective).  
**RECOMMENDATION – GRANT**  
*Ward Affected : Rottingdean Coastal*
- J BH2017/03684, 50 Chailey Road, Brighton - Full Planning 123 - 134**
- Change of use from 3 bedroom single dwelling (C3) to a 5 bedroom House in Multiple Occupation (C4) including revised fenestration to the rear elevation.

## PLANNING COMMITTEE

### RECOMMENDATION – GRANT

*Ward Affected: Moulsecoomb & Bevendean*

**K BH2017/03076, 2-4 Sackville Road, Hove - Full Planning 135 - 150**

Conversion on care home (C2) into residential apartment building comprising 4noflats ar 2 Sackville Road and a nine bedroom house in multiple occupation (Sui generis) at 4 Sackville Road with associated alterations.

### RECOMMENDATION – GRANT

*Ward Affected: Westbourne*

**L BH2017/03599, 17 Bampffield Street, Portslade - Removal or Variation of Planning Condition 151 - 164**

Application for variation of condition 1 of BH2016/02846 (Demolition of existing (Sui generis) mixed use garden machinery shop, servicing and repairs including workshop with offices (A1/B1) and erection of part two, part three storey building comprising of one studio flat, two 1no bedroom flats and three 2no bedroom houses including cycle store and associated works to allow increased ground floor height, removal of parapet wall above flats and revised elevations.

### RECOMMENDATION – GRANT

*Ward Affected: South Portslade*

**M BH2017/03021, The Excelsior, London Road, Brighton - Full Planning 165 - 176**

Formationof additional storey comprising 2 flats and the creation of 2 additional car parking spaces.

### RECOMMENDATION – GRANT

*Ward Affected: Withdean*

**110 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

### INFORMATION ITEMS

**111 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 177 - 178**

(copy attached).

**112 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 179 - 180**

(copy attached).

## PLANNING COMMITTEE

### 113 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 181 - 182

(copy attached).

### 114 APPEAL DECISIONS 183 - 208

(copy attached).

### 115 NON-PUBLIC MINUTES

Non – Public Minutes of the meeting held on 7 February – Exempt  
Category 5  
(to be circulated to members separately)

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at:

<http://www.brighton-hove.gov.uk/index.cfm?request=c1199915>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

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## PLANNING COMMITTEE

the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 29-1065/29-1354, email [planning.committee@brighton-hove.gov.uk](mailto:planning.committee@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 27 February 2018



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 7 FEBRUARY 2018**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Cattell (Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Daniel, Hyde, Inkpin-Leissner, Littman, Miller, Moonan and Morris

**Officers in attendance:** Paul Vidler, Planning Manager, Major Applications; Wayne Nee, Planning Officer; Jonathan Puplett; Principal Planning Officer; Andrew Renault, Head of Transport Policy and Strategy; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**92 PROCEDURAL BUSINESS**

**92a Declarations of substitutes**

92.1 There were none.

**92b Declarations of interests**

92.2 There were none.

**92c Exclusion of the press and public**

92.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

92.4 **RESOLVED** - That the public are be excluded from the meeting during consideration of item 130 on the agenda, Land South of Ovingdean Road, Public Inquiry - Exempt Category - 5.

**92d Use of mobile phones and tablets**

92.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

**93 MINUTES OF THE PREVIOUS MEETING**

93.1 The Chair, Councillor Cattell, explained that Cliona May was leaving to work for the London Borough of Croydon having started with this authority as an apprentice. It was heartening when young people who had been trained chose to make their career within local government and she wanted to place on record her thanks to Cliona for her dedicated work for the Committee and to send her best wishes and those of the committee for her future career. The Committee voted unanimously in support of the Chair's proposal.

93.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 13 December 2017 as a correct record.

**94 CHAIR'S COMMUNICATIONS**

94.1 There were none.

**95 PUBLIC QUESTIONS**

95.1 There were none.

**96 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

96.1 There were none.

**97 TO DETERMINE PLANNING APPLICATIONS**

**A BH2017/02333, 113-115 Trafalgar Road, Portslade - Outline Application - Reserved Matters**

Outline application with all matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping.

**Officers Introduction**

(1) It was noted that this application had formed the subject of a site visit prior to the meeting.

- (2) The Principal Planning Officer Wayne Nee, introduced the application and gave a presentation by reference to plans, elevational drawings and floor plans. Reference was also made to comments received from the Housing Department which were set out in the Late/Additional Representations List. It was noted that the design and layout shown was indicative and that this was an outline application with all matters reserved.
- (3) It was explained that as the application was for outline permission with all matters reserved for further approval, the main considerations in determining the application related to the principle of constructing 8 no one bedroom flats and 4 studio flats on the site. An indicative scheme had been shown in the submitted drawings, this scheme was indicative only as detailed consent was not being sought. The principle of the development proposed had been accepted previously at appeal; this was a primary matter for consideration under the outline application submitted.
- (4) It was noted that the previous appeal was dismissed as the issue of affordable housing provision had not been resolved in the applicant's submissions. Under the current application the submitted application form stated that of the twelve units proposed four would be affordable rent units comprising two one-bedroom flats and two studio flats. Policy CP20 required that schemes of 10-14 units provided 30% onsite affordable housing provision or an equivalent financial contribution. In this case a net increase of ten units was proposed and therefore onsite provision of three units would satisfy the requirements of CP20. There was however also a requirement to provide an appropriate mix of tenures; and in this case only affordable rent units were proposed, no intermediate housing was proposed. This concern was however counterbalanced by the fact that four affordable units were proposed and overall it was considered that the proposed provision of affordable housing could be supported provided it was secured through legal agreement. Approval was therefore recommended subject to the completion of a legal agreement to secure affordable housing provision and the necessary contributions. All detailed matters would be secured by condition and at the reserved matters stage.

### **Questions for Officers**

- (5) Councillor Morris sought clarification regarding whether the precise element towards sport from the Open Space and Indoor Sport allocation had been determined as yet and it was explained that this would be set out in the "Heads of Terms" and was also set out in paragraph 11.2 of the report.
- (6) Councillor Moonan referred to the number of units proposed and to the fact that they were undersized seeking clarification as to whether a different number of units could be required. It was explained that the detailed layouts were not a subject for consideration under the outline application submitted but that as the indicative scheme would provide a poor standard of accommodation appropriate unit layouts would need to be secured at the reserved matters stage.
- (7) Councillor Miller sought confirmation that at this stage the principle of the development was being requested with all other matters being reserved and to be secured by condition at the reserved matters stage and it was confirmed that was the case.

- (8) Councillor Moonan also referred to the plot at the rear of the application site shown on the indicative drawings stating that the access arrangements as currently shown appeared to be too narrow. It was confirmed that this access would be too narrow for cars but was wide enough for pedestrians, cycles and motorcycles.

### **Debate and Decision Making Process**

- (9) Councillor C Theobald stated that she had concerns that the proposals would change the character of the area and that it would be difficult to achieve the number of units proposed given the constraints of the site.
- (10) Councillor Littman stated that given the constraints of the site and its close proximity to a busy road it was important to ensure that appropriate air quality standards were achieved.
- (11) Councillor Morris asked for confirmation that the reserved matters application would come back to the Committee and it was confirmed that it would.
- (12) A vote was taken and the 10 Members of the Committee who were present when the vote was taken voted unanimously that minded to grant planning permission be agreed.

- 97.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the conditions and informatives also set out in the report.

**Note:** Councillor Gilbey had given her apologies for the meeting due to sickness and therefore was not present at the meeting during consideration or voting in respect of the above application. Councillor Bennett was not present at the meeting during consideration or voting in respect of the above application.

### **MINOR APPLICATIONS**

#### **B BH2017/03751, 83 Beaconsfield Villas, Brighton - Full Planning**

Installation of a single storey outbuilding to the rear garden (C2). Installation of guarding and roof canopy to south elevation external staircase. Installation of additional fence panels and gates to front garden.

#### **Officers Introduction**

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and floor plans.
- (2) It was explained that the main considerations in determining this application related to the impact of the proposed development on the character and appearance of the building, surrounding street scene and wider Preston Park Conservation Area and the amenity of neighbouring properties. It was acknowledged that the potential occupant of the building had special needs and that therefore equality impacts also formed a material consideration in determination of this application.

- (3) It was noted that the original scheme included the erection of new fencing with security roll barriers to the rear garden. A number of objections had been received at that time raising concerns in terms of loss of light and outlook regarding the new fencing proposed. These concerns had been taken into consideration and amendments had been sought throughout the course of the application. Following amendments all the fencing associated with the scheme including the anti-climb rollers would measure 2m in height and would therefore constitute permitted development, this needed to be taken into account when determining the application.
- (4) It was considered that the proposal would have an acceptable impact on the character and appearance of the building, wider street scene and conservation area. The proposed works represented a negotiation between the Planning and Conservation Officers and the Adult Social Housing team, the resulting application was considered to provide an acceptable balance which would have a limited impact on the conservation area and approval was therefore recommended.

### Questions for Officers

- (5) Councillor Miller sought clarification on whether or not the front gates were existing and it was confirmed that they were.
- (6) Councillor Hyde sought clarification in respect of the canvas roof covering above the side entrance steps.
- (7) Councillor Morris sought clarification on the anti-climb rollers to the new fencing.
- (8) Councillor C Theobald referred to the previous application. It was confirmed that this had been withdrawn by the applicant.

### Debate and Decision Making Process

- (9) Councillor Littman welcomed the proposals and Councillors Morris and Inkpin-Leissner also concurred in that view.
- (10) A vote was taken and the 10 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

97.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

**Note:** Councillor Gilbey had given her apologies for the meeting due to sickness and therefore was not present at the meeting during consideration or voting in respect of the above. Councillor Bennett was not present at the meeting during consideration or voting in respect of the above application.

### C **BH2017/03684, 50 Chailey Road, Brighton - Full Planning**

Change of use from 3 bedroom single dwelling (C3) to a 5 bedroom house in Multiple Occupation (C4).

- (1) It was explained that consideration of this application was to be deferred to enable the outcome of further consultation being undertaken in relation to external works to the property to be incorporated in the report to Committee. It was anticipated that the application would now be considered at the next scheduled meeting for 7 March.

97.3 **RESOLVED** – That the position be noted.

**D BH2017/03683, 8 Willingdon Road, Brighton - Full Planning**

Change of use from five bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4).

**Officers Introduction**

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and floor plans. Reference was also made to the request that the application be determined by Committee and letter of objection received from Councillor Yates.
- (2) The main considerations in determining the application related to the principle of the change of use, the impact on neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding areas. The proposal would allow occupation of the property as a small HMO providing accommodation for 6 unrelated individuals who would share basic amenities including a kitchen, living/dining room and bathroom. It was explained that the mapping exercise which had taken place indicated that there were 33 properties within a 50m radius. No other properties had been identified as being in either Class C4, mixed C3/4 or other types of HMO, thus the percentage of existing HMOs within the designated area was 0%. Based upon that percentage, which was less than 10%, the proposal to change to a C4 HMO would therefore be accordance with policy.
- (3) Minor amendments had been made to the drawings originally submitted during the course of the application and overall the standard of accommodation was considered sufficient for six occupiers and approval was therefore recommended. It was also recommended that the proposed floor layout be restricted by condition in order to ensure that all communal areas were retained.

**Questions for Officers**

- (4) The Chair, Councillor Cattell, referred to the mapping exercise which had been carried out. In answer to questions it was noted that although the property would result in an increase in occupancy and intensity in comparison to the existing use of the building, given the low proportion of other HMO's within the immediate vicinity of the site and the level of activity the proposed use was considered acceptable and would not result in significant harm to the amenity of neighbouring occupiers.

**Debate and Decision Making Process**

- (5) A vote was taken and the 11 Members present when the vote was taken voted unanimously that planning permission be granted.

97.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

**Note:** Councillor Gilbey had given her apologies for the meeting due to sickness and was therefore not present at the meeting during consideration or voting in respect of the above application. Councillor Bennett was not present at the meeting during consideration or voting in respect of the above application.

**E BH2017/02986, 19 Arnold Street, Brighton - Full Planning**

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4).

**Officers Introduction**

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and floor plans. Reference was also made to the request received from Councillor Gibson that the application be determined by the Committee and to the letters of objection received from Councillors Gibson and Page.
- (2) The main considerations in determining the application related to the principle of the change of use, the impact on neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding areas. The property was at present in lawful use as a single dwelling house let to two individuals, falling within a C3 use class. The layout of the property consisted of a kitchen, living room and a bedroom at ground floor level and two further bedrooms and a bathroom at first floor level and a garden area to the rear of the property. No internal or external alterations were proposed as part of this application. The existing and proposed plans showed an “attic room” which was uninhabitable and it was not proposed that it would be used as a bedroom or other habitable space.
- (3) It was explained that the mapping exercise which had taken place indicated that there were 10 properties within a 50m radius, and that the percentage of existing HMO’s within the designated area was 1.9%. Based upon that percentage, which was less than 10%, the proposal was in accordance with policy. Overall it was considered that the property provided a good standard of accommodation for up to four occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan and approval was therefore recommended subject to conditions restricting the number of occupants at the property to a maximum of 4.

**Questions for Officers**

- (4) In answer to questions by Councillor Bennett it was explained that the application site was a mid-terrace property and that the mapping exercise carried out had indicated that there were very few HMOs within the immediate vicinity of the site.

**Debate and Decision Making Process**

(5) A vote was then taken and the 11 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

97.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to Conditions and Informatives also set out in the report.

**Note:** Councillor Gilbey had given her apologies for the meeting due to sickness and therefore was not present during consideration or voting in respect of the above application.

**98 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

98.1 There were none.

**99 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

99.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

**100 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

100.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

**101 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

101.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

**102 APPEAL DECISIONS**

102.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

**103 LAND SOUTH OF OIVINGDEAN ROAD – EXEMPT CATEGORY 5**

103.1 The Committee considered a report of the Executive Lead Officer, Strategy, Governance and Law relating to Land South of Ovingdean Road, Brighton, Public Inquiry (Planning Application ref: BH2016/05530).

103.2 The Committee resolved that the public be excluded from the meeting during consideration of this report as it contained exempt information as defined in paragraph 5 of Schedule 12A, Part 1 of the Local Government Act 1972 (as amended).



The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of



# **ITEM A**

**Rear of 62-64 Preston Road, Brighton**

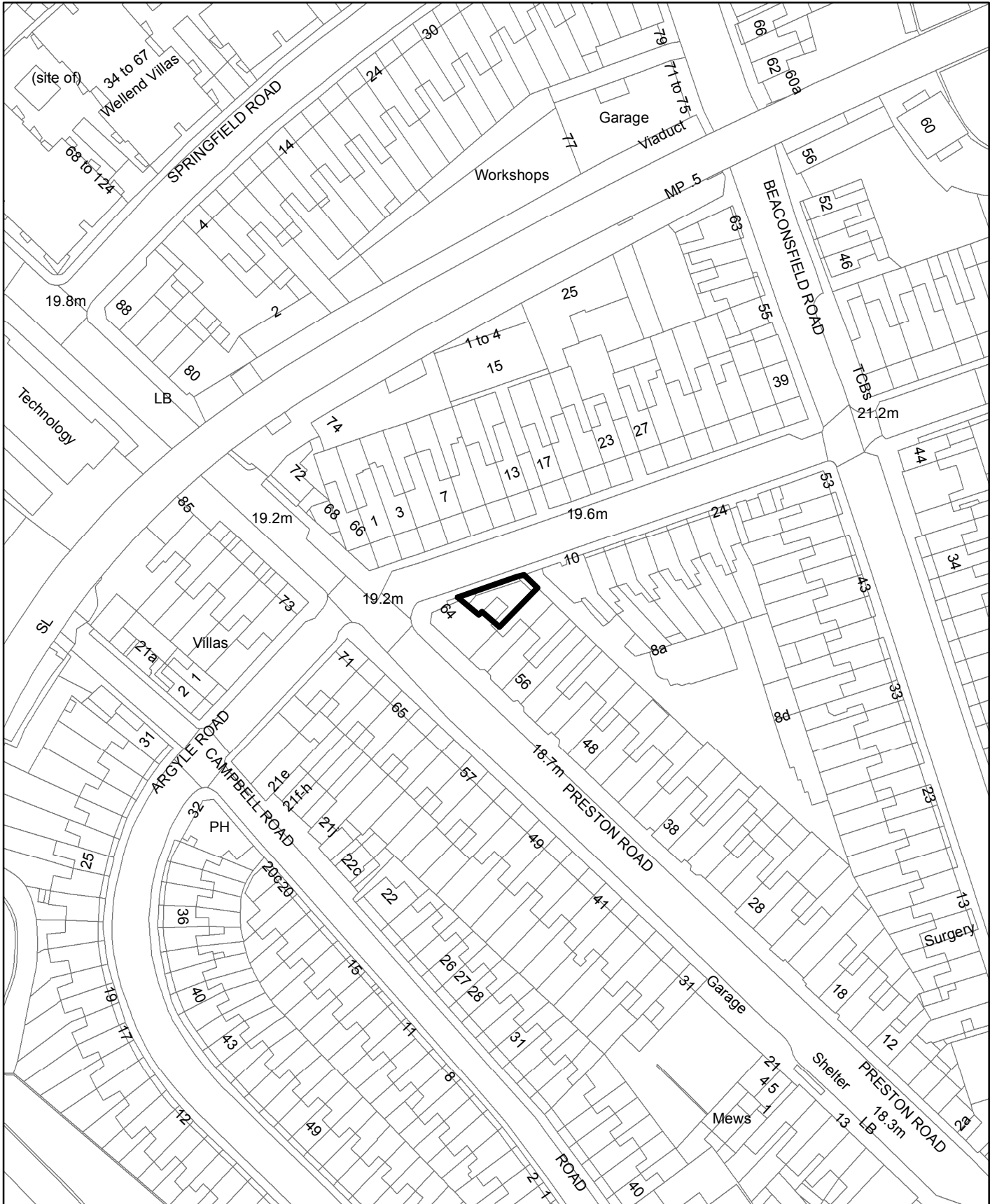
**BH2017/04186**

**Full planning**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2017/04186 Rear of 62-64 Preston Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/04186</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To Rear Of 62-64 Preston Road Brighton BN1 4QF</b>		
<b><u>Proposal:</u></b>	<b>Erection of a 5no storey extension to rear of existing building incorporating excavations for basement enlargement and alterations to provide 4no flats (C3) and bin store.</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 293335	<b><u>Valid Date:</u></b>	20.12.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	14.02.2018
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Bold Architecture Design Ltd 14 Gladys Road Hove BN3 7GL		
<b><u>Applicant:</u></b>	Mr R Little Mulberry House 1A Surrenden Crescent Brighton BN1 6WE		

## 1. RECOMMENDATION

1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

1. The proposed five storey extension, by reason of its excessive height, depth, roof form, detailing and materials represents an excessively scaled addition that is bulky, unduly dominant and forms an overdevelopment of the site. The proposal fails to respond to the surrounding context and development pattern and fails to relate to the main building and adjoining development. The proposal is therefore significantly harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.

1. The proposed extension, by reason of its excessive height, depth and bulk as well as its proximity to neighbouring dwellings, would result in a significant loss of light and outlook, particularly in reference to the rear windows of the existing flats within 60, 62 and 64 Preston Road. The mass and scale of the extension would also result in an overbearing and oppressive impact to 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

### 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 is based on the drawings received listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	GA01		20 December 2017
Floor Plans Proposed	GA05	C	20 December 2017
Floor Plans Proposed	GA06	C	20 December 2017
Floor Plans Proposed	GA07	C	20 December 2017
Elevations Proposed	GA08	C	20 December 2017
Elevations Proposed	GA09	C	20 December 2017
Elevations Proposed	GA10	C	20 December 2017

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site is located on the rear yard to the rear of 62 - 64 Preston Road which is on the corner with Ditchling Rise.
- 2.2 62 - 64 Preston Road is a three storey building with a basement. The building has a shop within the basement and ground floor with residential accommodation on the upper floors which is similar to the adjoining building at 60 Preston Road. The site is not within a Conservation Area.
- 2.3 The application seeks to erect a four storey building with an extended basement forming one two bedroom flat and three one bedroom flats following the demolition of the current projection to the rear of 62 Preston Road.
- 2.4 The application is a resubmission of two previously refused schemes.

## **3. RELEVANT HISTORY**

**BH2017/02137** Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations. Refused 08.11.2017 for the following reasons:

1. The proposed four storey extension, by reason of its excessive height, depth, roof form, detailing and materials represents an excessively scaled addition that is bulky, unduly dominant and forms an overdevelopment of the site. The proposal fails to respond to the surrounding context and development pattern and fails to relate to the main building and adjoining development. The proposal is therefore significantly harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
2. The proposed extension, by reason of its excessive height, depth and bulk as well as its proximity to neighbouring dwellings, would result in a significant loss of light and outlook, particularly in reference to the rear windows of the existing flats within 60, 62 and 64 Preston Road. The mass and scale of the extension would also result in an overbearing and oppressive impact to 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.



3. The proposed extension, by reason of the positioning of the south facing windows and rear balconies, would result in a significant loss of privacy and overlooking as well as a perceived sense of overlooking to the adjoining properties to the south, in particular 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2016/06407** Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations. Refused 21.04.2017 for the following reasons:

1. The proposed three storey building with habitable accommodation in the roof and basement, by reason of its excessive height, depth and roof form represents an excessively scaled addition that is bulky, dominant and an overdevelopment of the site. The proposal is harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
2. Due to the positioning of the proposal with the host building, the outlook and amenity of the residents within the rearward bedrooms on the first and second floors within the host building, as well as the rearward bedrooms on the first and second floors of the adjoining 60 Preston Road, would be adversely affected contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

#### **4. REPRESENTATIONS**

- 4.1 Eleven (11) letters have been received, supporting the proposed development for the following reasons:

- Effective use of the site
- Tidy up/enhance the area
- Additional housing
- Good design

- 4.2 Eleven (11) letters have been received, objecting to the proposed development for the following reasons:

- Overshadowing
- Loss of privacy
- Out of scale
- Overlooking
- Detrimental effect on the visual amenity
- Out of character
- Highway safety
- Lack of parking
- Flats are too small

- Disruption during construction
- Where would the existing refuse bins as well as the bins for the new flats be located.

## 5. CONSULTATIONS

### 5.1 Sustainable Transport: Comment

No Highway objections subject to the inclusion of the necessary conditions including cycle parking and car free housing,

## 6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
 CP1 Housing delivery  
 CP2 Sustainable economic development  
 CP8 Sustainable buildings  
 CP9 Sustainable transport  
 CP12 Urban design

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development  
 TR14 Cycle access and parking  
 QD5 Design - street frontages  
 QD14 Extensions and alterations  
 QD27 Protection of amenity  
 HO5 Provision of private amenity space in residential development  
 HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the effect on the street scene as well as the impact on the host building, the residential amenity of the neighbouring residents, the residents within the proposed development and the well-being of the residents in the host building's upper levels.

8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

### **8.3 History of the Site:**

As detailed above, two similar developments have recently been considered by the Planning Committee in April 2017 and Nov 2017, both refused. Whilst the principle of development was not rejected at the site when these applications were determined, there were concerns regarding the appearance of the development and the impact on amenity of existing and future residents.

8.4 The key differences between the most recently refused scheme BH2017/02137 and the current application include:

- Revisions to the fifth floor 'pod' storey including installation of a larger window on the northern side and introduction of a zinc fascia with 200mm roof overhang.
- Replacement of the balconies to the eastern elevation with Juliet Balconies.
- Obscure glazing to the upper floor windows on the southern elevation.

### **8.5 Design and Appearance:**

The proposal seeks permission for a four storey rear extension with a basement level, largely infilling the rear garden area of 62 and 64 Preston Road. Concerns were previously raised within the Officers report in respect of the excessive height, depth and inappropriate roof form.

8.6 As noted above, the scheme has been revised again as part of this current application. It is considered that the modest revisions as outlined above have not addressed all of the previous concerns. The removal of the balconies to the rear, which were previously considered to be uncharacteristic and harmful additions is welcomed, and represents a positive amendment. Similarly, the

introduction of obscure glazing on the southern elevation would overcome any direct overlooking of the adjoining neighbours.

- 8.7 The surrounding area is characterised by rows of three storey Victorian Terraces. Preston Road, forms a main thoroughfare, with this section of the road containing ground floor commercial units and residential above. Ditchling Rise predominately contains residential properties. Overall, the area has a strong coherent rhythm and character, with uniformed plot sizes and layouts. The application site is located on the junction of Preston Road and Ditchling Rise and at some point in the past, the two properties 62 and 64 Preston Road have been amalgamated across the ground floor, but the upper floors remain separate. The rear gardens of this terrace are visible from Ditchling Rise and provide a break and relief between the developments fronting the two roads. This is a common scenario within the immediate vicinity, and adds to the sense of rhythm and spacing of the area.
- 8.8 It is considered that the revisions to the 'pod' do not mitigate the overall harm caused by the mass and scale of the extension and which formed grounds for refusal on the previous proposals. The roof form, described as a 'pod' within the submission, appears as an additional storey with a large expanse of flat roof, which fails to relate to the main dwelling and characteristics of the surrounding properties, which predominantly have traditional hipped roofs, and therefore jars with the main dwelling. Whilst this design solution can sometimes be acceptable, it is considered that in this instance it would be a highly noticeable and incongruous feature of the extension which would be exacerbated by the use of the zinc cladding.
- 8.9 Revisions have been made to the fenestration at the roof level. The previous report stated that the proposed small window openings exacerbated the harm of the zinc roof design as the small openings would provide little relief from the large expanse of roof. The current application has revised this detail and the northern windows have been enlarged, one of the windows being substantially larger, within the current scheme. It is considered that this solution has not mitigated the harm of the roof design and material. Due to the design and proportions of the proposed windows, they would now form further inappropriate features, that would be out of keeping with the design and proportions of window openings elsewhere on the building. These features would therefore be unduly prominent due to their size, design and siting. The proposed roof would now include a 200mm overhang. This detail would not change the above conclusion that the overall roof form is bulky, inappropriate and harmful.
- 8.10 The extension would appear disjointed from the main building, due to the substantially different roof form as well as the contrived design of the 'link' element with the inset corners of extension.
- 8.11 Despite the revisions, it is considered that the proposal would significantly disrupt the rhythm of the surrounding area and due to its excessive size, height and contrived footprint, would appear overly dominant and enclose this valuable spacing. The four storey appearance of the extension would exacerbate the dominance of this feature and would appear out of scale with the main dwelling

and the surrounding development. The irregular footprint of the extension would also be highly evident from within Ditchling Rise due to the prominent corner location. The resultant lack of sufficient garden space would also be evident and uncharacteristic of the area where plots are of similar sizes. All of these factors underline the limitations of the plot and the difficulty in achieving an acceptable development. Whilst it is acknowledged that at both committee meetings a discussion was had about whether a development of this scale would be appropriate within this location, it is considered that the current scheme as not addressed the previous grounds for refusal.

8.12 Overall, it is considered the proposed extension would appear overly prominent by reason of its excessive size, form and design, sitting in stark contrast to the surrounding development. Due to its appearance and design features the development would appear out of character and incongruous with its surroundings. The proposal therefore harms the character and appearance of the existing property, Ditchling Rise streetscene and the surrounding area.

8.13 **Standard of Accommodation:**

All proposed flats would have acceptable layouts and adequate levels of light and outlook. The scheme includes 1no. two bed maisonette over the ground and basement levels. The bedrooms would be located within the basement and would have sliding doors on to a small outdoor patio. Given the land level changes to the rear, the bedrooms would have sufficient light and outlook. The ground floor would be served by side windows, the north side windows would be sited adjacent to the pavement. Only one of these windows would serve a habitable room and it is proposed that the bottom half of this window would be obscure glazed to protect the privacy of the occupiers. It is considered that this a suitable solution to mitigate any harm. The overall size of this unit would satisfactorily meet the recommended room sizes as outlined within 'The Nationally Described Space Standards'.

8.14 The upper floor flats would all be one bedroom units and would range between 54m<sup>2</sup> and 42m<sup>2</sup>. The smallest unit, located on the third floor is showing a single bedroom and on this basis the minimum size for a 1 bed 1 person unit is 39m<sup>2</sup>. The standard of accommodation was considered acceptable at the previous meetings and is largely unchanged. All of the upper floor windows on the southern elevation would be obscure glazed. Whilst this would provide sufficient light into the units, it would restrict the outlook. However given the number of openings on the north and east elevations, it is considered that the units would have sufficient outlook.

8.15 The upper flats would not be provided with any outdoor amenity space, however given the size of the units and the central location, this would not be an uncommon scenario within the immediate vicinity and would not form a reason for refusal.

8.16 **Impact on Amenity:**

Impact on neighbours:

Given the proximity of the extension to the adjoining property No.60, coupled with its excessive height and bulk, the proposal is still considered to cause

significant harm to the main rear windows and rear amenity area of this property.

- 8.17 The proposed extension would be sited approximately 1.7m from the shared boundary with the ground floor residential property within No. 60 Preston Road. It is therefore considered that the extension would have a significantly harmful impact to the ground floor units and the rear garden. The extension would have a maximum depth of 13.5m and would have a maximum height of 12.2m, the scale and mass of the extension would therefore be substantially overbearing and oppressive to the residential occupiers of the ground floor, including the rear amenity space, and would result in a loss of light and outlook.
- 8.18 As noted, the revisions to obscure glaze the south facing windows has mitigated some of the harm caused by the extension in terms of direct overlooking and loss of privacy.
- 8.19 The property at the rear of the application site, 10 Ditchling Rise, is orientated side onto the site. However despite the mass and scale of the proposed development, the separation distance is considered sufficient and the proposal is therefore unlikely to impact on the side windows of this property, which in any case appear to be secondary openings.
- 8.20 The residents on Ditchling Rise that face the proposal currently enjoy a generous outlook and privacy due to the distance from their frontage to the rear of the buildings opposite. The proposal whilst it would dominant the views opposite these properties, given the separation, it is considered that no significant harm would occur. Regrettably the height of the proposal could restrict the entry of sunlight during the middle of the day in ground and basement flats opposite but this would not be considered enough reason to refuse the application.
- 8.21 **Impact on existing building/occupants:**  
The amenity of the existing building 62-64 Preston Road is also considered. No 62 has rearward windows directly adjacent to the proposed extension and it is considered that these main windows would still be significantly affected in terms of loss of light and outlook, therefore harming the amenity currently enjoyed by the occupiers of these flats. The upper flats within No. 64 would lose their rearward windows due to the position of the extension. These windows currently provide light and outlook to the entire room that they serve. The relocation of these openings around a corner would provide an indirect source of light and outlook and would leave some areas of the room feeling dark and gloomy, to the detriment of the occupiers.
- 8.22 **Sustainable Transport:**  
The applicant is proposing 6 cycle parking spaces, however the Transport Officer has raised a concern that two of the racks would not be suitable. The development could comfortably accommodate the required number of cycle spaces and therefore if the proposal were acceptable on all other grounds, a

condition could be attached requiring further details to be submitted for approval.

- 8.23 The development would not be provided with any off-street parking. With no on-site car parking proposed there is the potential for flats to increase the demand for on-street parking in this area. Directly opposite the site there is a free on-street disabled parking bay, a free motorcycle parking area and provision for paid short-term parking. Therefore if the proposal were acceptable, a condition would be attached to ensure that the development remains car free.
- 8.24 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.
- 8.25 The Transport Officer has requested that the condition be attached to any approval to secure improvement works to nearby junctions to mitigate the impacts of the development. It is considered that if this was felt reasonable and necessary, this could also be conditioned if the application were to be recommended for approval.
- 8.26 **Sustainability:**  
CP8 of the Brighton and Hove City Plan Part One requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition in the event permission is granted.

## **9. EQUALITIES**

- 9.1 None identified.





# **ITEM B**

**Pavilion & Ave Lawn Tennis Club, 19 The  
Droeway, Hove**

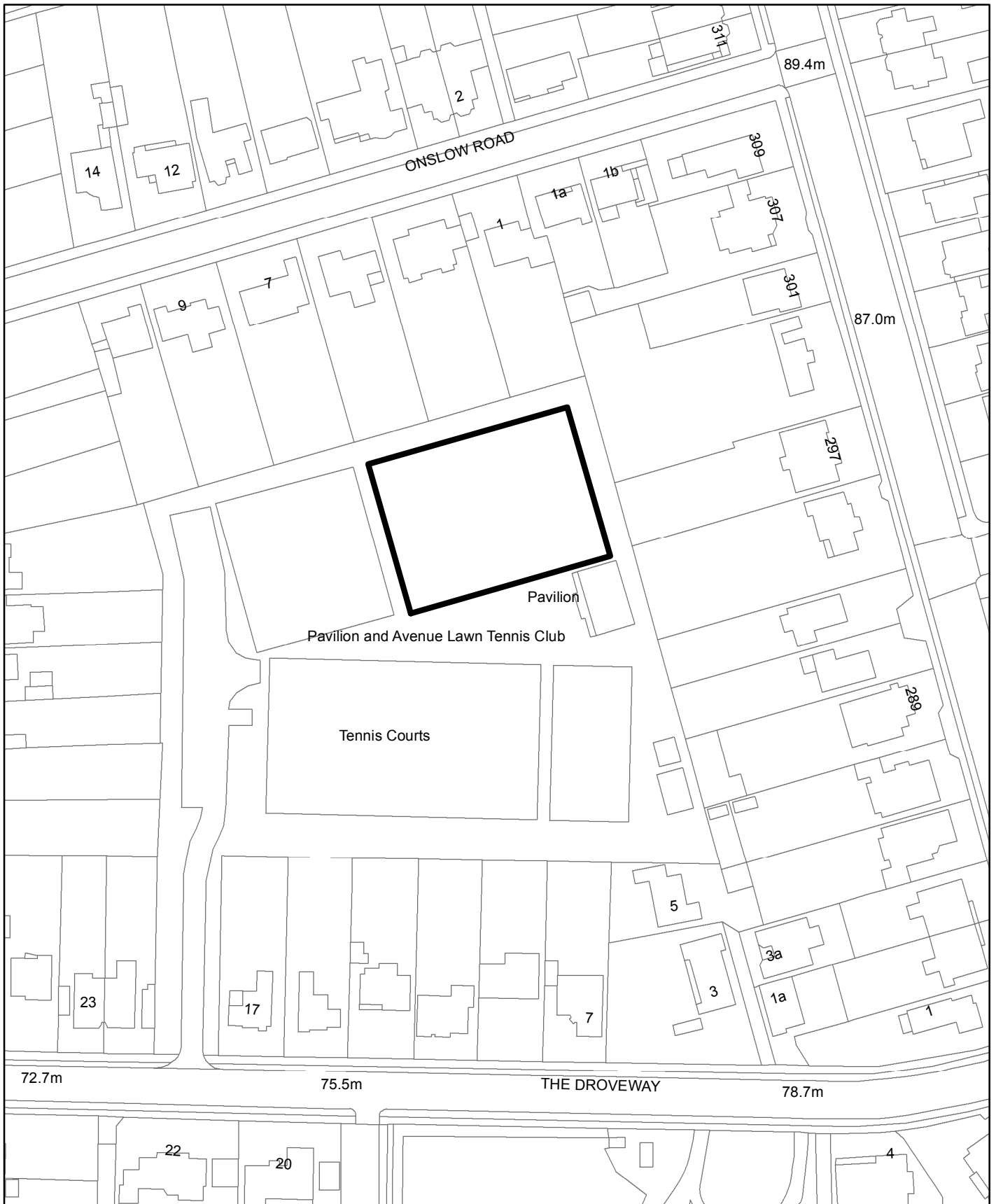
**BH2017/02771**

**Full planning**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2017/02771 Pavilion And Avenue Lawn Tennis Club, 19 The Droeway, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/02771</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Pavilion And Avenue Lawn Tennis Club 19 The Droveaway Hove BN3 6LF</b>		
<b><u>Proposal:</u></b>	<b>Installation of 8no eight metre high floodlights to courts 6, 7 and 8.</b>		
<b><u>Officer:</u></b>	<b>Sonia Gillam, tel: 292265</b>	<b><u>Valid Date:</u></b>	<b>12.10.2017</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>07.12.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Lewis And Co Planning SE Ltd</b>	<b>2 Port Hall Road</b>	<b>Brighton BN1 5PD</b>
<b><u>Applicant:</u></b>	<b>Pavilion And Avenue Tennis Club</b>	<b>19 The Droveaway</b>	<b>Hove BN3 6LF</b>

Councillor Brown has requested this application is determined by the Planning Committee.

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	AL-02		15 August 2017
Elevations Proposed	AL-03		15 August 2017
Location Plan	AL-01	A	15 August 2017
Lighting scheme	FLOODLIGHT SPEC	Thorn Champion	15 August 2017
Lighting scheme	RELUX LIGHT SIMULATION REPROT		15 August 2017
Other	BAFFLES/ VISORS		26 January 2018

2. The floodlighting units hereby approved shall be 'Thorn Champion' or equivalent specification and installed in such a manner so as to ensure that light sources and reflectors are not directly visible from the habitable room windows of any residential property directly abutting the site and in accordance with the 'Relux light simulation tools' installation report dated 13.01.2015 and received 15.08.17. Reason: To safeguard the amenities enjoyed by the occupiers of adjoining residential properties and to comply with policies TR7, SU9 and QD27 of the Brighton & Hove Local Plan.
3. The floodlighting units hereby approved shall not be brought into use unless or until the 'Thorn Champion' (data sheets received 26.01.18) or equivalent specification, front, side and rear visors have been installed in such a manner so as to reduce light spill onto the boundaries. Reason: To safeguard protected species from the impact of the development and the amenities enjoyed by the occupiers of adjoining residential properties and to comply with policies TR7, SU9, QD18, QD26 and QD27 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One.
4. At no time and under no circumstances shall the light, from the floodlights hereby approved, into the habitable room windows of adjacent residential properties exceed a level of 2 lux vertical illuminance. Reason: To safeguard the amenities enjoyed by the occupiers of adjoining residential properties and to comply with policies TR7, SU9, QD26 and QD27 of the Brighton & Hove Local Plan.
5. The floodlighting hereby approved shall only be in use between the hours of 08:00 and 21:00 on Mondays to Fridays, 08:00 and 20:00 on Saturdays, 16:00 and 18:00 between 1 October and 31 March on Sundays, Bank or Public Holidays. The floodlighting shall not be in use at any time on Sundays between 1 April and 30 September. Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9, QD26 and QD27 of the Brighton & Hove Local Plan.

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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site comprises the Pavilion & Avenue Tennis Club located on the north side of The Droveaway, Hove. The Club is bounded on all sides by residential properties.
- 2.2 There are ten tennis courts and a clubhouse building. Courts 2-5 benefit from existing floodlights; courts 9 & 10 are covered by an air-hall during winter months which is internally floodlit.

- 2.3 Planning permission is sought for the installation of 8 no. eight metre high floodlights to courts 6, 7 and 8 which have been laid with artificial red clay, an all-weather playing surface.
- 2.4 The floodlights themselves would be constructed of die-cast aluminium with 4mm toughened glass. The columns would be painted green.
- 2.5 The application is a revision to an earlier application (BH2015/02509) that was recommend by officers for approval, however was refused planning permission by Members at Planning Committee in March 2016. The applicant did not appeal the refusal.
- 2.6 The application differs to the earlier application by proposing greater restrictions on operating times for the floodlights.
- 2.7 Under the previously submitted application proposals, the floodlights were to be operational between 08:00 and 22:00 hours on a daily basis.
- 2.8 Under the current application proposals, the proposed floodlights are to be operational during the following periods only:

Monday to Friday: 08:00 to 21:00

Saturday: 08:00 to 20:00

Sunday: October 01 to March 31: 16:00 to 18:00

April 01 to September 30: Floodlights not in use.

### 3. RELEVANT HISTORY

**BH2015/02509** Installation of 8no eight metre high floodlights to courts 6, 7 and 8. Refused by Planning Committee 09.03.2016 for the following reasons:

- 1. The proposed lighting would result in a development having an adverse cumulative impact on the amenities of nearby residents by reason of the resulting total overall visible light levels. The proposed development is therefore contrary to policies QD26 and QD27 of the Brighton & Hove Local Plan 2005.
- 2. The development would result in an increased and detrimental noise and disturbance impact on nearby residents. The proposed development is therefore contrary to Policies SU10 and QD27 of the Brighton & Hove Local Plan 2005.

**BH2014/03253** Demolition of coaches building and extension and alterations to physiotherapy building including creation of first floor with pitched roof, two storey side extension and associated alterations. Approved 28/01/2015.

**BH2014/01594** Application for variation of condition 11 of BH1998/02626/FP (Amendment to consent (reference 3/96/0334(F)) for change of use from private school playing fields to use by tennis club with extension to existing courts to

provide 4 extra courts including protected floodlighting to southern courts comprising alteration to buffer zone to allow retention of existing buildings for use as a clubhouse and alterations to landscaping (revised)) to state that the access between 1 & 3 The Drove way shall be used for emergency purposes plus maintenance and access and parking for 2 car spaces with onsite turning space within the site boundaries. Approved 08/10/2014.

**BH2009/01231** Replacement of existing timber windows, doors and vertical cladding with UPVC windows, aluminium doors and horizontal timber cladding. Approved 24/07/2009.

**BH2002/01521/OA** Outline application for installation of lightweight covered structure and internal lighting over 2 existing tennis courts on a seasonal basis of 30 weeks per year between October and April. \_ 18/10/2002.

**BH2001/02118/OA** Outline application for installation of lightweight covered structure and internal lighting over 2 existing tennis courts. Refused 13/12/2001.

**BH2001/00244/FP** Proposed erection of new clubhouse. Approved 27/06/2001.

**BH1998/02626/FP** Amendments to consent (reference 3/96/0334(F)) for change of use from private school playing fields to use by tennis club with extension to existing courts to provide 4 extra courts including protected floodlighting to southern courts comprising alteration to buffer zone to allow retention of existing buildings for use as a clubhouse and alterations to landscaping (revised). Granted 22/09/1999.

**3/96/0334(F)** Change of use with extension of existing courts to provide four extra courts including protecting floodlighting for existing courts. Granted 13/02/2008

**Enforcement:** Breach of condition authorised 06/08/01. Condition 16 of BH1998/02626/FP issued 26/09/01. Complied with 12/11/01.

#### **4. REPRESENTATIONS**

4.1 **Forty-five (45)** letters have been received objecting to the proposed development. The main reasons for objection are as follows:

- Light spillage and pollution
- Noise pollution
- Impact on bats and other wildlife
- Excessive height
- Visual impact
- Not in keeping with residential neighbourhood
- Existing floodlit courts under used
- Increased traffic congestion
- Parking issues



- Club already in breach of existing planning conditions
- Lack of consultation with residents

**4.2 Fifty-one (51)** letters have been received supporting the proposed development. The main reasons for support are as follows:

- Encouraging healthy sports
- Increase levels of participation
- Club provides service to the community
- Health and social benefits
- Promotion of community spirit
- Encourage more children to participate after school
- Improve disability tennis offer
- Shielding provided by foliage
- Neighbours unlikely to use gardens so much after dark
- Clay courts better all-weather surface than the existing flood lit artificial grass courts

**4.3 Councillor Vanessa Brown:** Objects to the application (comments attached).

## **5. CONSULTATIONS**

**5.1 County Archaeologist:** No objection

**5.2 Brighton & Hove Archaeological Society:** No objection

**5.3 County Ecologist:** No objection The proposed development, subject to the installation of baffles, is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective.

**5.4 Environmental Health:** No objection Information has been submitted to demonstrate that the impact of the proposed floodlighting would not have a negative impact on the neighbouring amenity by reason of light pollution. From the evidence submitted there are no grounds to disagree that there would be minimal impact on the immediate neighbours.

**5.5 Sustainable Transport:** No objection

## **6. MATERIAL CONSIDERATIONS**

**6.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

**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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP10 Biodiversity

CP12 Urban design

CP16 Open space

CP17 Sports provision

CP18 Healthy city

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

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD14 Extensions and alterations

QD15 Landscape design

QD18 Species protection

QD26 Floodlighting

QD27 Protection of amenity

HE12 Scheduled ancient monuments and other important archaeological sites

#### Supplementary Planning Documents:

SPD11 Nature Conservation & Development

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to visual impact, the effect on neighbouring residential amenity (specifically in relation to light and noise pollution), nature conservation, transport implications and the benefit of the facilities both to the Club and the community.

### **8.2 Principle of Development:**

CP17 of the City Plan states that new sports services, facilities and spaces (including extensions to existing provision) will be encouraged especially those that meet identified needs. All new provision should meet quality standards,

optimise their accessibility and affordability to all users, including the local community and visitors.

8.3 In this instance the proposal would enhance sports and recreation facilities for the benefit of members of the Club and the wider community.

8.4 The floodlighting is proposed on courts 6-8 which have been re-surfaced with artificial clay which is an all-weather surface. The existing floodlit courts 2-5 have an artificial grass surface which becomes very slippery and dangerous to play on after rainfall. Consequently the existing floodlit courts are not used as often as they could be. The application states that clay courts could be used throughout the year if they were lit during winter evenings. Such enhanced facilities encourage residents, including children, to play sports and lead active lifestyles.

8.5 The proposal meets the requirements of policy CP17 in that it provides improved sporting facilities close to the community and has good pedestrian and cycle links. The scheme has addressed the potential impact of the proposal on the amenity of adjacent residential properties and the impact on the natural environment (as outlined below).

8.6 **Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan 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.

8.7 Concerns have been raised that the proposed development could affect residential amenity with regard to light being emitted from the proposed floodlights and noise from the additional hours of operation. The applicant has attempted to address these concerns by proposing that the floodlights are operational during the following periods only:

Monday to Friday: 08:00 to 21:00

Saturday: 08:00 to 20:00

Sunday: October 01 to March 31: 16:00 to 18:00

April 01 to September 30: Floodlights not in use.

8.8 **Floodlighting**

The Club operates a token system for bookings for one hour and would continue with the same system on the newly lit courts. The three courts will have their own individual token activated timer and the courts must be used in sequence. The lights on the courts will be switched on for one hour per token. Each individual court can be lit without the need for them to be turned on all at the same time.

8.9 However the site of this application is in close proximity to residential properties and some rooms have a direct line of sight to the tennis courts that are

proposed to be floodlit. Therefore it is undoubtedly the case that the proposed floodlight installation could have some environmental impact upon nearby properties and this concern is acknowledged. However, it must be established to what extent and then balance this against the community benefits, and other widespread advantages of providing such a facility.

- 8.10 Information has been submitted to demonstrate that the impact of the proposed floodlighting would not have a negative impact on the neighbouring amenity by reason of light pollution. The chosen design uses a total of eight columns and floodlights. The application states that other disregarded proposals used more floodlights and/or columns which would have borne a much greater visual impact. Also, fewer lamps and luminaires mean less potential for glare and less potential for complaint from surrounding receptors.
- 8.11 It is noted that lower columns were considered but disregarded as they would likely adversely affect both spill light beyond the courts themselves and light trespass into neighbouring properties as the floodlight would have to be tilted significantly in order to achieve the required light levels.
- 8.12 The report details that the maximum tilting allowed to the floodlights specified is 10 degrees and not exceeding this should ensure that light sources and reflectors are not directly visible from the habitable room windows of any property directly abutting the site.
- 8.13 It is acknowledged that there has been careful consideration as to the type of floodlighting to install. Expert advice as to the optimum solution that would provide the required illuminance on the courts with the minimal impact on its immediate neighbours has been sought. By utilising the minimum quantity of columns and high quality floodlights, the Council's Environmental Health Officer agrees that this has been achieved and therefore, subject to conditions, has no objections to the application.
- 8.14 **Noise**  
There may be some additional noise and disturbance from people arriving and leaving and taking part in sport, however given the numbers and hours involved this is not considered to be unacceptable or warrant refusal of the application.
- 8.15 **Design and Appearance:**  
The floodlights themselves would be constructed of die-cast aluminium with 4mm toughened glass. The columns would be painted green.

The floodlights would be of slim design, however there is no doubt that, at a height of 8 metres, they would be, at least partially, visible to some of the neighbouring properties, particularly from Dyke Road to the east and Onslow Road to the north. However the nearest properties are at least 30 metres away with good size rear gardens. Given the above and that there is a good level of screening foliage, it is not considered that the structures would have an overbearing impact or be unduly harmful to neighbours' outlook.

8.16 Given the site context the proposal would not stand out as visually intrusive and is appropriate in terms of its design.

8.17 **Sustainable Transport**

Extending playing time at the tennis club by means of additional floodlighting is likely to lead to a small uplift in trip generation. However the Council's Highways team does not consider that this would result in a severe impact on the highway.

8.18 **Ecology:**

The County Ecologist has advised that, given the location, nature and scale of the proposed development, there are unlikely to be any significant effects on any sites designated for their nature conservation value.

8.19 There are records of bats from the surrounding area and there is suitable foraging and/or commuting habitat to the east and west of the development site. There is therefore the potential that the boundaries of the site could be used for commuting and/or foraging by bats.

8.20 The County Ecologist has advised that whilst no specific surveys are required, it is recommended that the proposed baffles are used to prevent light spill onto trees and vegetation that border the site. This can be secured by condition.

**9. EQUALITIES**

9.1 None identified



Re: BH2017/02771 Pavilion and Avenue Tennis Club

Planning application - BH2017/02771  
Sender's details  
Cllr Vanessa Brown

As a Councillor for Hove Park Ward I am writing to object to the above application. The Tennis Club is completely surrounded by residential properties and already has 6 floodlit courts. In 2015 a very similar application to this one was refused by the Planning Committee. The only change to this application seems to be a minor adjustment to the times of operation.

To put 8 x 8m high floodlights just at the end of the gardens in Onslow Road will cause a significant amount of light pollution and spillage into the gardens and rear bedroom windows of these properties. These residents are already affected by the existing floodlights but these are situated further away and on lower ground. The floodlights are also lower in height. These proposed new lights would have a very detrimental effect. There will also be more noise pollution to the surrounding homes as these courts are to be used primarily for coaching up to 9.00 pm on weekday evenings.

I also have serious concerns about the wildlife. Bats, birds and many insects live in the trees and shrubs in and around the site. There are regular sightings of bats . These would be badly affected by such lights.

The extra floodlights would definitely have a detrimental effect on the lives of neighbours backing onto these courts. I would therefore request that if the planning officers should recommend passing the scheme it goes before the Planning Committee for decision as the previous scheme did. I would also suggest a site visit.

Yours sincerely  
Vanessa





# **ITEM C**

**45 The Drove, Hove**

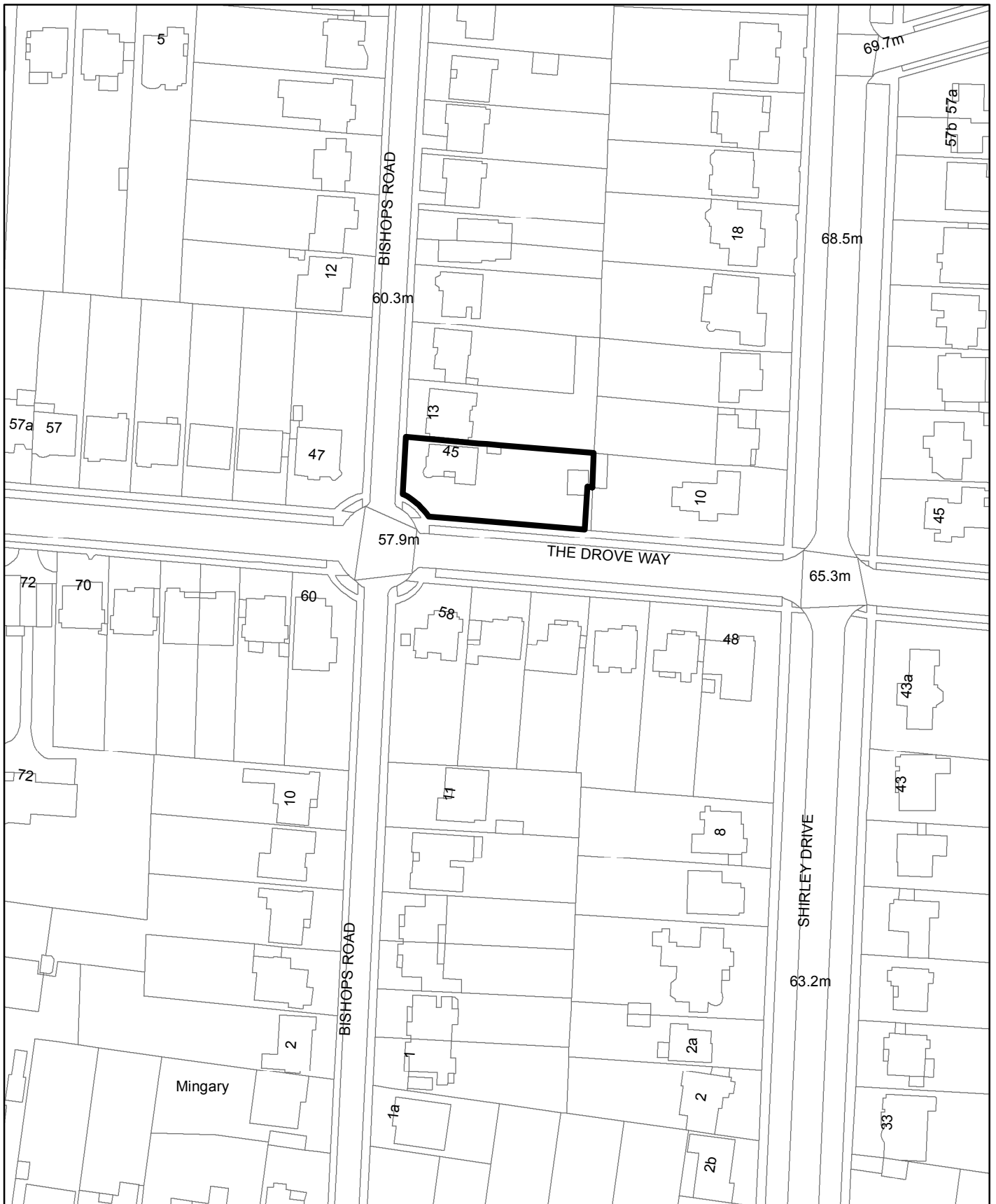
**BH2018/00099**

**Householder planning consent**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2019/00099 45 The Drove Way, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2018/00099</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>45 The Drove way Hove BN3 6PP</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing conservatory and erection of two storey side extension, with juliet balcony and 2no front rooflights. Roof alterations incorporating 3no rooflights, alterations to fenestration.</b>		
<b><u>Officer:</u></b>	Ayscha Woods, 292322	tel:	<b><u>Valid Date:</u></b> 15.01.2018
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	12.03.2018
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Yelo Architects Ltd Yelo Architects, First Floor Olivier House, 18 Marine Parade Brighton BN2 1TL		
<b><u>Applicant:</u></b>	Mr Razi Torbati 45 The Drove way Hove BN3 6PP		

Councillor Brown has requested that this application is determined by the Planning Committee.

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	YO2252 - 0900	-	12 January 2018
Floor Plans Proposed	YO252 - 1200	C	12 January 2018
Floor Plans Proposed	YO252 - 1201	B	12 January 2018
Floor Plans Proposed	YO252 - 1202	A	12 January 2018
Elevations Proposed	YO252 - 2000	A	12 January 2018
Elevations Proposed	YO252 - 2001	A	12 January 2018
Elevations Proposed	YO252 - 2002	A	12 January 2018
Elevations Proposed	YO252 - 20023	-	12 January 2018
Sections Proposed	YO270 - 0704	-	12 January 2018
Roof Plan Proposed	YO270 - 1203	A	12 January 2018
Site Layout Plan	YO270-0010	C	13 February 2018

2. 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.
3. No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of at least two new trees to be planted in the garden, written specifications (including cultivation and other operations associated with tree establishment), plant sizes, proposed numbers and an implementation programme.

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. RELEVANT HISTORY**

**BH2017/02754** - Erection of two storey rear extension to replace existing conservatory and associated works - Refused - 19/10/17 for the following reason:

- 1) The proposed extension by reason of its overall height, scale and bulk in conjunction with a flat roof design would result in an unsympathetic addition that would relate poorly to the host building, and would be detrimental to the The Drove way Streetscene, contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2011/01675** - Demolition of existing double garage and erection of 1no two bedroom two storey dwelling - Refused - 02/09/11 - Appeal Dismissed (APP/Q1445/A/11/2167361) - 21/06/17

**3. CONSULTATIONS**

3.1 **Sustainable Transport:** No Comment

3.2 **Arboriculture:** No Comment

The Proposal will impact on two neighbouring tree which are of only limited local amenity. In view of their relatively low value and the potential to replant at least two replacement trees elsewhere within the garden the Arboricultural Team would recommend that consent is approved subject to a landscaping condition.

**4. REPRESENTATIONS**

4.1 Two (2) letters has been received objecting to the proposed development on the following grounds:

- Excessive size and bulk
- Loss of light
- Loss of outlook
- Loss of privacy
- Overshadowing
- Overlooking
- Excessive hardstanding areas
- Hardstanding impact on drainage
- Loss of trees impact on environment
- Concerns that extension has potential to be used for commercial purposes

4.2 Councillor Vanessa Brown has objected to the application (comments attached).

## 5. **RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

Brighton & Hove Local Plan (retained policies March 2016):

QD14 Extensions and alterations

QD27 Protection of Amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

## 6. **CONSIDERATIONS & ASSESSMENT**

6.1 The application is a re-submission of application BH2017/02754.

### 6.2 **Design and Appearance**

Permission is sought for a two storey extension. Given the large size of the existing house and large garden size, there is scope for a substantial extension on this site.

6.3 The previous application was refused on design grounds, by reason of its overall height, scale and bulk in conjunction with a flat roof design which was considered to result in an unsympathetic, incongruous and bulky addition which relates poorly to the host building.

6.4 The proposed extension would measure the same height (5.5m) and depth (6.0m) as the previous scheme. However it would have a dummy pitched roof, with a cat slide roof to the north elevation which has reduced the overall visual bulk of the extension.

- 6.5 It is acknowledged that the extension has a squat appearance and is of a contemporary design, however it would form a subordinate addition to the main dwellinghouse which relates better to the existing house than the previous flat roof design.
- 6.6 The extension would be set back from The Drove way streetscene and would be highly screened by the existing mature vegetation along the boundary of the site adjacent to The Drove way.
- 6.7 It is considered that the proposal has overcome the previous concerns and refusal of this application is not warranted on design grounds.
- 6.8 **Impact on Amenity**  
The existing house is set away from the boundary with no. 13 Bishops Road to the north by 0.7m. The previous scheme included a part one, part two storey extension. Some harm was identified in terms of overbearing, overshadowing and loss of light to the rear of no. 13 Bishops Road, however this was not considered to be significant enough to warrant refusal on these grounds.
- 6.9 The current proposal would be set away from the boundary with no. 13 Bishops road by 1.2m and includes a cat slide roof to the north elevation which slopes substantially away from no. 13. The proposed roof form is considered to further reduce the bulk of the extension. Thus, the previous concerns raised have been addressed under this scheme.
- 6.10 The current proposal seeks to install 2.no. rooflights to the north roofslope. Given that the roof is sloping away from no. 13 the rooflights would not allow for harmful views to no. 13 Bishops Road.
- 6.11 The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit and no significant harm has been identified.
- 6.12 It is accepted that the proposal has an unconventional design and has a squat appearance, however, it respects the amenity of the neighbouring properties, and therefore on balance it is considered acceptable.

## **7. Other Matters**

- 7.1 It is noted that a proposed hardstanding and crossover was proposed to the south of the site. Amendments were made throughout the course of the application removing these elements from the scheme.
- 7.2 It is noted an objection has been raised with concerns of the purpose of the proposal used to facilitate a commercial business. No information submitted suggests that a change of use is proposed and therefore this application is assessed only as a residential extension.

## **8. EQUALITIES**



8.1 None identified.



Planning application - BH2018/00099 45 The Droveaway

Sender's details  
Cllr Vanessa Brown

As a Councillor for Hove Park ward I am writing to object to this application. I believe this application is an overdevelopment of the site. I am particularly concerned for the residents of 13 Bishops Road. 45 The Droveaway currently extends 3 metres to the East further out than 13 Bishops Road causing some loss of sun and light. This application would extend No. 45 by a further 6 metres which will cause severe Overshadowing and a loss of light and privacy to 13 Bishops Road. If officers should be minded to grant the application I would request that it goes before the Planning Committee for decision.

Yours sincerely

Cllr Vanessa Brown



# **ITEM D**

**13 Park Rise, Hove**

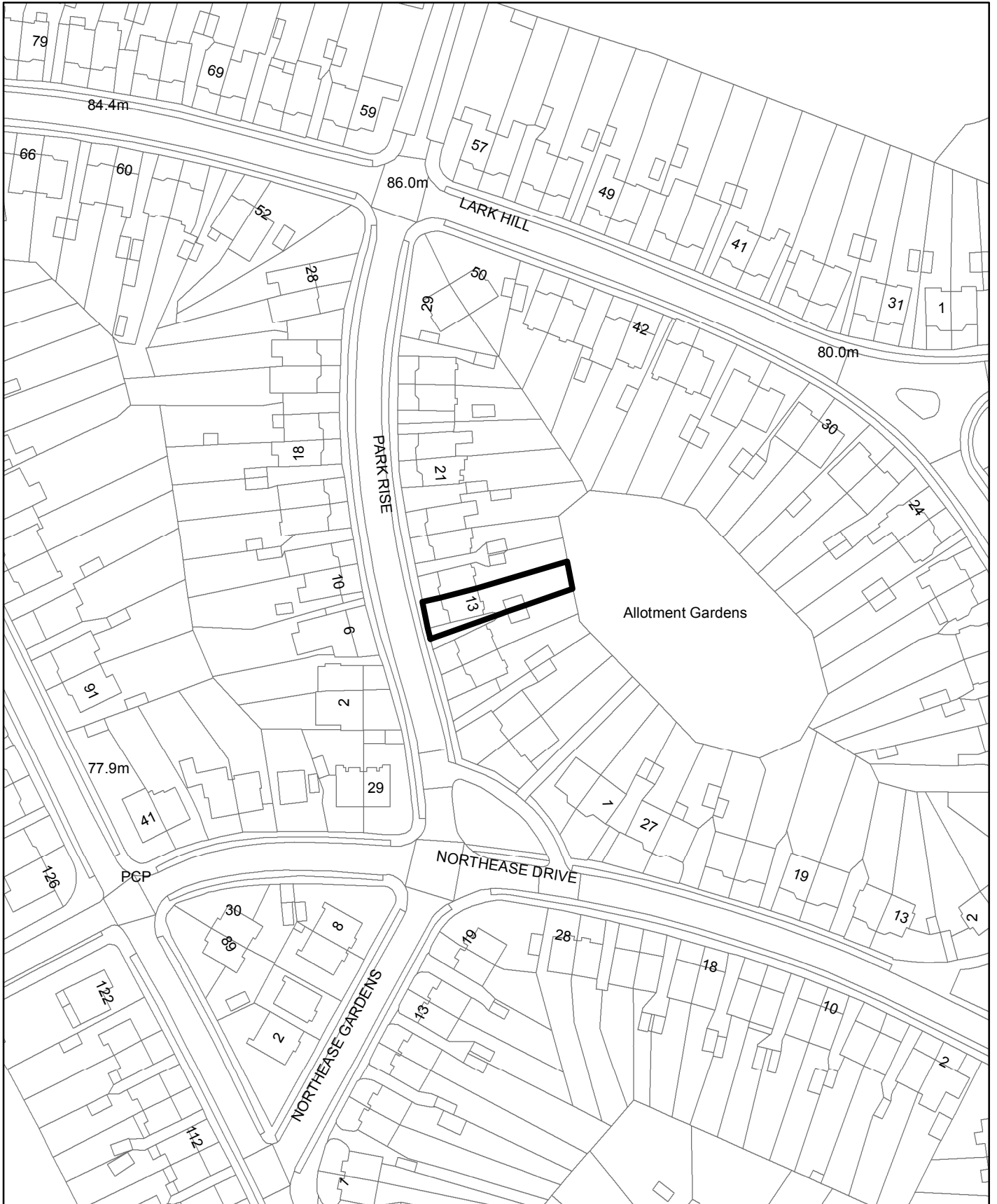
**BH2017/03712**

**Householder planning consent**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2017/03712 13 Park Rise, Hove



**Brighton & Hove  
City Council**



N

**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2017/03712</b>	<b><u>Ward:</u></b>	<b>Hangleton And Knoll Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>13 Park Rise Hove BN3 8PG</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey rear extension and associated works.</b>		
<b><u>Officer:</u></b>	Nicola Van Wunnik, tel: 294251	<b><u>Valid Date:</u></b>	20.11.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	15.01.2018
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Rob Shepherd Designs 87a Mile Oak Road Portslade Brighton BN41 2PJ		
<b><u>Applicant:</u></b>	Mr Aaron Nee 13 Park Rise Hangleton Hove BN3 8PG		

This proposal is being determined by Planning Committee as the applicant is related to a planning officer.

#### 1. **RECOMMENDATION**

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

##### Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Floor plans/elevations/sect proposed	2017/0034-02	C	20 November 2017
Location and block plan	2017/0034-03	A	8 November 2017

2. 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.
3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove 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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The site relates to a single storey semi-detached dwelling, located on the east side of Park Rise. Park Rise is predominately comprised of bungalows of a similar style to the host property. The site is situated on land which slopes down to the south. There is an existing single storey detached garage located to the rear of the property.
- 2.2 Planning permission is sought for the erection of a single storey rear extension.

**3. RELEVANT HISTORY**

**BH2017/03051** - Certificate of Lawfulness for proposed single storey rear extension - Refused 06/11/2017

Reason for Refusal:

1. The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves would exceed 3 metres. Therefore the development does not comply with Schedule 2, Part 1, Class A (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**4. REPRESENTATIONS**

- 4.1 None Received

**5. CONSULTATIONS**

- 5.1 None

**6. MATERIAL CONSIDERATIONS**

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14 Extensions and alterations

QD27 Protection of amenity

#### Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

## 8. CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the impact of the proposed development on the appearance and character of the building, the wider street scene and the amenities of adjacent occupiers.

### 8.1 Design and Appearance

Planning permission is sought for the erection of a single storey rear extension which would supplant the existing single storey rear projection. The flat roof of the extension would host a centrally positioned roof lantern and the rear elevation of the proposed extension would feature bi fold doors. The exterior finish of the extension will be brick facing painted, to match the existing house.

8.2 The proposed extension would project 3m beyond the rear wall of the existing dwelling, set in approximately 0.4m from the boundary line with the adjoining semi, with an eaves height of 3.1m and maximum height of 3.6m (to the top of the roof lantern).

8.3 It is considered that the proposal will have an acceptable impact on the character and appearance of the building and is therefore considered a suitable addition to the property in accordance with policy QD14 of the Brighton and Hove Local Plan.

### 8.4 Impact on Amenity:

Due to the siting of the proposal, the property that is going to be impacted most by the proposed development is the adjoining semi, 15 Park Rise. The proposed extension will be built approximately 0.4m away from the boundary of this neighbouring property.

- 8.5 Although it is acknowledged that the extension will cause some loss of light and overshadowing to the rear windows of this neighbouring property, the level of harm is not considered significant enough to refuse the application
- 8.6 The proposed scheme is therefore not considered to cause significant harm to the neighbouring properties and is consequently recommended for approval in accordance with policy QD27 of the Brighton and Hove Local Plan

**9. EQUALITIES**

- 9.1 None identified

# **ITEM E**

**82 Southover Street, Brighton**

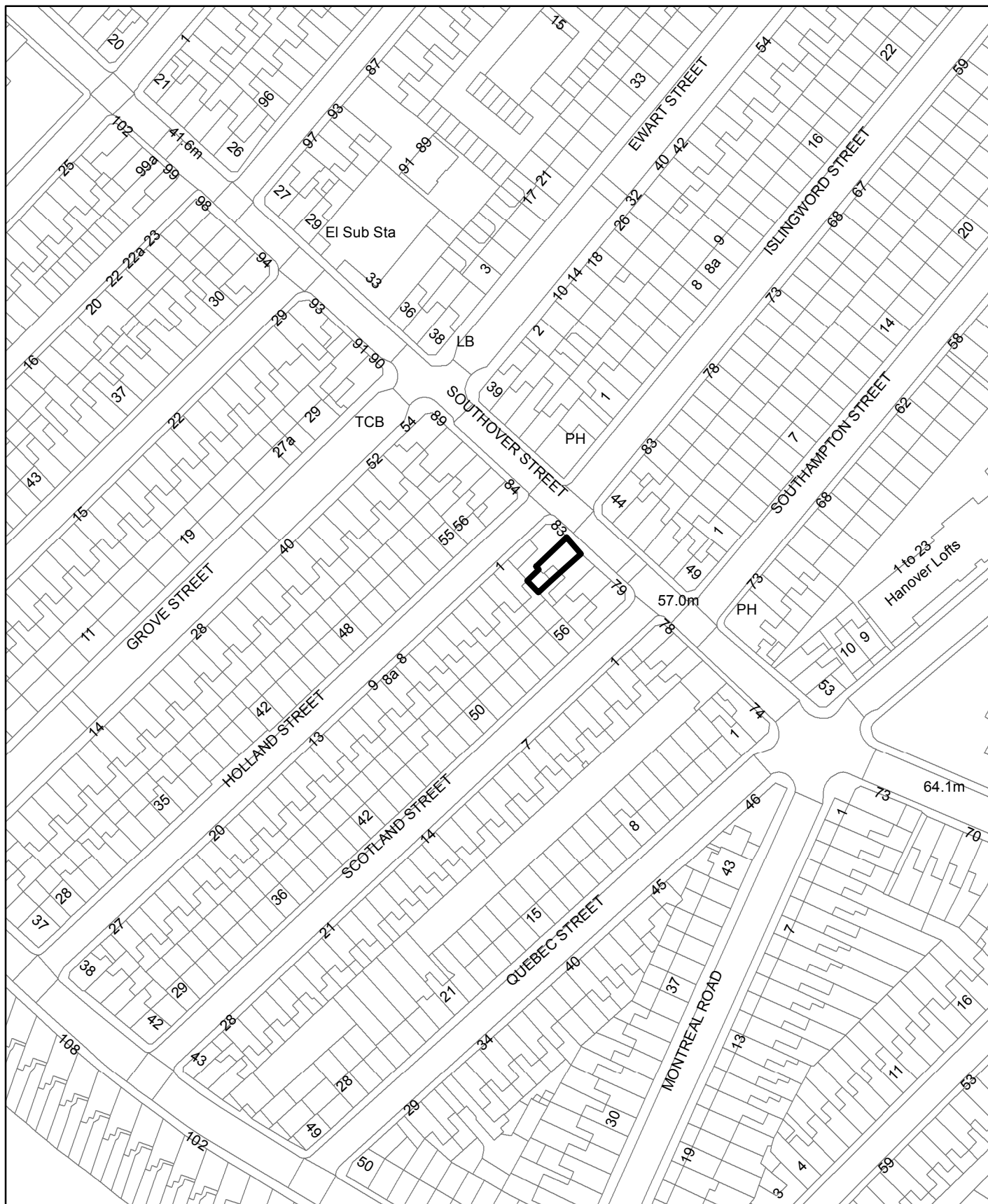
**BH2017/03299**

**Full planning**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2017/03299 82 Southover Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2017/03299</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>82 Southover Street Brighton BN2 9UE</b>		
<b><u>Proposal:</u></b>	<b>Change of use from three bedroom dwelling (C3) to five bedroom small house in multiple occupation (C4) (Retrospective).</b>		
<b><u>Officer:</u></b>	Charlotte Bush, tel: 292193	<b><u>Valid Date:</u></b>	29.09.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	24.11.2017
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	John Glare C/O Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

Councillor Gibson has requested this application is determined by the Planning Committee.

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	01R		29 September 2017
Existing Floor Plans	01R		29 September 2017

2. The ground floor rooms annotated as living room and kitchen as set out on plan 01R submitted on the 29 September 2017 shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.  
**Reason:** To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. The development hereby approved shall only be occupied by a maximum of five persons.  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E 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 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.

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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a two storey terraced house located on the southern side of Southover Street.
- 2.2 The property is not located in a conservation area but there is an Article Four Direction present which restricts the change of use from C3 single dwellinghouse to C4 small house of multiple occupation.
- 2.3 The application is for retrospective change of use from a C3 single dwelling house to a C4 small house of multiple occupation for five individual occupants.

**3. RELEVANT HISTORY**

- 3.1 No relevant planning history.

**4. REPRESENTATIONS**

- 4.1 One (1) letter has been received objecting to the proposed development for the following reasons:
- 4.2 The proposal does not comply with Part 2 of Policy CP21, concerning HMO properties as over 10% of the properties in a 50m radius are in use as HMOs.
- 4.3 Councillors David Gibson and Dick Page object to the application (comments attached)

**5. CONSULTATIONS**

- 5.2 **Planning Policy:** No comment

- 5.3 **Sustainable Transport:** No objection  
The applicant is not proposing changes to pedestrian access arrangements onto the adopted (public) highway.
- 5.4 The pedestrian and vehicle trip generation is forecast to be similar to the existing permitted residential use.
- 5.5 The Highway Authority does not wish to request cycle parking as the site appears to be constrained and unlikely to be able to accommodate policy compliant cycle parking spaces. It is also noted that there is secure cycle parking available to the general public on-street in the vicinity of the site.
- 5.6 There are opportunities in the form of free on-street disabled parking bays in the vicinity of the site and Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. The lack of dedicated disabled parking is therefore considered acceptable in this instance.
- 5.7 The applicant is not proposing any significant alteration to their current servicing and delivery arrangements.
- 5.8 For this development of 5 bedrooms the maximum car parking standard is 2 spaces when rounded up (0.25 spaces per bedroom). Therefore the proposed level of car parking (zero space) is in line with the maximum standards and is therefore deemed acceptable in this case. The site is located within the recently created Controlled Parking Zone V and the site should not be made "car free" by restriction of parking permits.

## 6. MATERIAL CONSIDERATIONS

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 6.1 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.2 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP9 Sustainable transport
- CP19 Housing mix
- CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016):

- TR4 Travel plans
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD14 Extensions and alterations
- QD27 Protection of amenity

Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use, the standard of accommodation which the use would provide, the impact upon neighbouring amenity, and transport issues.
- 8.2 **Principle of Development:**  
The application relates to a retrospective change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 5 unrelated individuals (in this case 5 bedspaces) who share basic amenities including a kitchen and bathrooms.
- 8.3 Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
- 8.4 In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- 8.5 More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.
- 8.6 A mapping exercise has taken place which indicates that there are 96 neighbouring residential properties within a 50m radius of the application property. Nine (9) neighbouring properties have been identified as being in HMO

use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 9.37%.

8.7 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

8.8 **Standard of Accommodation:**

Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and air in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in the communal lounge.

8.9 The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>.

8.10 The layout is comprised of:

Ground floor:

Bedroom measuring 10.6m<sup>2</sup>

Bedroom measuring 8m<sup>2</sup>

Kitchen measuring 5.4m<sup>2</sup>

Livingroom measuring 14.3m<sup>2</sup>

Courtyard measuring 6.9m<sup>2</sup>

First floor:

Bedroom measuring 9.3m<sup>2</sup>

Bedroom measuring 8.3m<sup>2</sup>

Bedroom measuring 14m<sup>2</sup>

Bathroom

Separate w.c

8.11 The bedrooms are all considered to be of adequate size with good circulation space and levels of natural light and outlook.

8.12 The galley style kitchen would not be large enough to accommodate more than 1 or 2 people at any one time, and the lounge leads directly off the kitchen and

provides the only communal living space for the occupants. The lounge could accommodate the occupants, although the circulation space is limited.

**8.13 Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.14 The occupancy will be restricted to 5 unrelated persons residing within the property. It is therefore considered that any increased impact to adjoining occupiers in regards to noise and disturbance would not be of a magnitude which would warrant the refusal of planning permission.

8.15 It is also noted that the property has been in use as a small HMO since 2009, and there are no records of noise complaints made to the Environmental Health Department.

8.17 The overall percentage of HMO's within a 50m radius is 9.37% which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO on the area is not considered to cause harm to local amenity.

**8.18 Sustainable Transport:**

The proposal is not considered to result in a significant uplift in trips or on-street parking. Due to the constraints of the site, it would not be possible to install secure cycle storage facilities.

**9. EQUALITIES**

9.1 None identified

Planning application – BH2017/03299 82 Southover Street

Sender's details  
Cllr Dick Page

Please register my objections to these 2 HMO applications. I imagine there are more than 10% of HMOs near 19 Arnold St., and (living nearby, etc.) I *know* there are near 82 Southover St. Hence both contravene the balanced communities policy of our Article 4 Direction. In particular we need to apply this robustly in cases of late (“retrospective”) applications, such as the latter, where there appears to be no good reason for landlords continuing to disregard our policy, sometimes for years.

Thanks,

***Dick (Page),***  
Councillor, Hanover & Elm Grove.







PLANNING COMMITTEE LIST  
Planning Committee 7<sup>th</sup> March 2018  
COUNCILLOR REPRESENTATION

Planning application – BH2017/03299 82 Southover Street

Sender's details  
Cllr David Gibson

I object to approval of the approval of 19 Arnold St and 82 Southover St as HMOs as this goes against our desire to achieve a balanced community with not more than 10% HMOs. Should officers recommend approval please can you notify me of the committee date for decision.  
Thank you

All the best,

David Gibson



# **ITEM F**

**14 Eaton Gardens Hove**

**BH2017/00201**

**Full planning**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2017/00201 14 Eaton Gardens, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/00201</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>14 Eaton Gardens Hove BN3 3TP</b>		
<b><u>Proposal:</u></b>	<b>Change of Use from Nursing Home (C2) to 15no bedroom House in Multiple Occupation (Sui generis) incorporating internal alterations to layout and rationalising of existing pipework (Part retrospective)</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 292359	tel:	<b><u>Valid Date:</u></b> 30.01.2017
<b><u>Con Area:</u></b>	Willett Estate	<b><u>Expiry Date:</u></b>	27.03.2017
<b><u>Listed Building Grade:</u></b>	Listed	<b><u>EOT:</u></b>	
	Building Grade II		
<b><u>Agent:</u></b>	Mr Simon Bareham Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall Road
<b><u>Applicant:</u></b>	Mr Jogi Vig BN1 5PD	C/O Lewis and Co Planning	2 Port Hall Road Brighton

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			20 January 2017
Block Plan			20 January 2017
Floor Plans Proposed	427-21 F		30 November 2017
Elevations Proposed	427-23 B		8 February 2018

2. The development hereby approved shall be implemented in accordance with the proposed layout plan received 30th November 2017 and shall be retained as such thereafter. The rooms marked as kitchen and dining room shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.  
**Reason:** To ensure a suitable standard of accommodation and sufficient communal space for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

3. The development hereby approved shall only be occupied by a maximum of Twenty persons.  
**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. Within 3 months of the approval hereby given a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include details relating to site management, behaviour and conduct of future occupiers, details of how parking will be allocated and enforced and waste/refuse management.  
**Reason:** To safeguard the amenities of occupiers of the adjoining properties, to ensure parking provisions are effectively managed and to comply with SU10 and QD27 of the Brighton and Hove Local Plan, Policy CP9 of the Brighton and Hove City Plan Part One and SPD14.
5. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
6. No cables, wires, aerials, pipework, meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One.
7. 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 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, CP9 of the Brighton and Hove City Plan Part One and SPD14.
8. Prior to first occupation of the development hereby permitted, details of the car park layout shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.  
**Reason:** To ensure the development provides safe and efficient parking arrangements, provides for the needs of pedestrians and cyclists and to comply with policies CP9 of the Brighton & Hove City Plan Part One, TR7 and TR14 of the Brighton & Hove Local Plan and SPD14.



9. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.
10. 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.

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. The applicant is advised that the scheme required to be submitted by Condition 7 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.

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The building is a late Victorian detached villa which is Grade II listed and falls within the Willett Estate Conservation Area. The building has been subject to a number of internal and external alterations.
- 2.2 A site visit undertaken in March 2017 revealed that a substantial amount of historic fabric remains in the building including original doors, cornices, architraves, stained glass windows, staircase, handrails and balustrades and fireplaces. Unfortunately, some historic fabric has been lost to previous alterations.
- 2.3 This application seeks planning permission to convert the property to a large House in Multiple Occupation facilitated through a number of works to the internal layout of this Listed Building. The internal works proposed seek to remove a number of unauthorised alterations that have taken place within the property since 2005. The property was previously occupied as a Care Home

until 2010 and it was apparent during the officer site visit in March 2017 that a number of individuals currently occupy the property. As such this application is part-retrospective.

### 3. RELEVANT HISTORY

**BH2017/00202:** Change of Use from Nursing Home (C2) to 15no bedroom House in Multiple Occupation (Sui generis) incorporating internal alterations to layout. (Part retrospective) Under Consideration.

**BH2010/02768:** Internal alterations. (Retrospective) Refused November 2010.

**BH2006/00491:** Internal alterations and installation of access ramp to front elevation. (Part Retrospective) Refused April 2006.

**BH2005/06553:** Internal alterations and replacement access ramp. Refused January 2006.

**BH2002/02922/FP:** Change of use from residential care home (C2) to a hostel for the homeless (Sui Generis). Refused February 2003.

### 4. REPRESENTATIONS

Seventeen (17) letters have been received objecting to the proposed development for the following reasons:

- There is no detail of the residents to be housed
- Additional noise disturbance from future occupiers
- Additional parking pressures
- The proposed change of use is inappropriate for the area
- Additional rubbish on the street as a result of the number of residents
- Lack of detail of how the HMO will be used
- The change of use will impact upon the conservation area
- Potential increase in antisocial behaviour
- Inadequate parking spaces
- The use of the building as a care home should take priority

### 5. CONSULTATIONS

5.1 **Environmental Health:** No objection

5.2 **Heritage:** (Comments following amendments 09.02.2018)

The proposal is for internal alterations with the only external works being additional rainwater goods to facilitate the new layout and use. It should be noted that there have been ongoing enforcement issues with the site and the current application has been an opportunity to rectify these unauthorized works and seek improvements to the listed building.

The revision F amended plans propose the removal of all of the existing fire lobbies which divide the main rooms of the house into irregular and ill-proportioned room sizes. Ensuite rooms within larger rooms are also proposed to be removed to reinstate the principal room proportions on the ground and first floors. The rest of the floor plan has been rationalised to remove modern partition walls and ill-proportioned spaces. Some concessions have been made around the floor plan due to the centrally located lift and the historic side extension to the south.

The proposal also includes the reinstatement or revealing of historic fabric such as the fireplace in the entrance foyer and the removal of partition walls blocking in part of the main stair. This is welcomed and will help to reinstate the special interest of the building. A condition will be included on the consent for details of the architectural features to be revealed.

The proposed alterations to the external elevations consist of the rationalisation of the rainwater goods. Both the north and south elevations of the listed building are highly visible from the public realm due to the setbacks of the neighbouring properties. The most recent amended elevations (revision B) show a significant reduction in rainwater goods on all elevations which is a much welcomed improvement.

Contrary to the initial proposed plans submitted for the site, the most recent amendments remove the unauthorized works and reinstate some of the original architectural features and layout of the listed building. The proposal meets the requirements of the NPPF and local plan policies HE1 and HE4 and the associated guidance.

**5.3 Adult Social Care: No objection**

Commissioners would be reluctant to lose a Nursing home in the area but it is understood that this listed property has made a number of applications for adaptations to the building which have been declined so the building is felt not fit for purpose. We do not require additional care homes without nursing at this time. Therefore no objection to the change of use of the property is had.

**5.4 Sustainable Transport: No objection subject to condition**

The Highway Authority has no objections to the application subject to inclusion of the following necessary conditions:

- Details of the car park layout
- Car park management plan
- Removal of entitlement for parking permits
- Cycle parking scheme

**6. MATERIAL CONSIDERATIONS**

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan,

and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. **POLICIES**

### 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  
CP15 Heritage  
CP19 Housing mix  
CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development  
TR14 Cycle access and parking  
SU10 Noise Nuisance  
QD14 Extensions and alterations  
QD27 Protection of amenity  
HO13 Accessible housing and lifetime homes  
HE1 Listed buildings  
HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Documents:

SPD09 Architectural Features  
SPD14 Parking Standards

## 8. **CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relates to the loss of the existing care home and the change of use of the property to a House in Multiple Occupation, the impact of the external works on the character and appearance of the property, the impact of the development upon the amenities

of neighbouring properties and the standard of accommodation provided in addition to highway issues.

## 8.2 Principle of development:

### Loss of existing Care Home

The site's permitted use is as a nursing/care home (C2) and as such the proposals must comply with Policy HO11 which states:

'Planning permission will not be granted for proposals involving the loss of residential care and /or nursing homes which comply with, or are realistically capable of reaching, the respective standards set out for residential care / nursing homes.'

The building has not been used as a care home since 2010 following the refusal of a number of planning applications. In 2006 a Listed Building consent application for the installation of an access ramp and internal alterations to the property to facilitate ensuite facilities for residents was refused. This application determined that the proposed alterations would cause significant harm to the historic features of this listed building.

A second application was submitted in 2010 for internal alterations to the building to create en-suite bathrooms for each bedroom. This application was refused on the grounds that the proposed partitions were inappropriately positioned and that the resultant rooms were irregularly shaped and poorly proportioned. As such the proposal was considered contrary to HE1 and HE4 of the Brighton and Hove Local Plan. This decision was upheld at appeal by the Planning Inspectorate. The current application seeks to remove these unauthorised works.

As a result of the refusal of the previous applications, the residential home is unable to provide disabled access from street level or access to en-suite facilities for residents and as such the home is not considered fit for purpose. As such there is no objection to the change of use of the property.

### Use of the property as an HMO

The proposal seeks consent for the part-retrospective change of use from a care home (C2) to a large House in multiple occupation (Sui Generis). The application would allow for the provision of 15 bedrooms with communal kitchen/dining and bathroom facilities across 4 floors. During the officer site visit in March 2017 it was noted that a number of the existing bedrooms are occupied by unrelated individuals. The application is therefore part-retrospective.

Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.

A mapping exercise has taken place which indicates that there are 149 neighbouring properties within a 50m radius of the application property; 1 other property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is therefore 0.67%.

Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a Sui Generis HMO would be in accordance with policy CP21.

### 8.3 **Design and Appearance:**

The only external alterations associated with the change of use of the property are the rationalisation of the existing pipework to the side and rear elevations of the property.

Both the north and south elevations of the listed building are highly visible from the public realm due to the setbacks of the neighbouring properties. The most recent amended elevations (revision B) show a significant reduction in rainwater goods on all elevations which is a much welcomed improvement. The proposal is therefore in accordance with Policy HE1 of the Local Plan and CP12 of the Brighton and Hove City Plan Part One.

### 8.4 **Standard of accommodation:**

The original application sought to provide 17 bedrooms with communal facilities. However amendments have been received during the lifetime of the application to provide more appropriate communal living space which has resulted in the loss of two bedrooms. As such the application now provides 15 bedrooms.

The proposal provides living space across four floors with shared facilities on each floor. The proposal seeks to remove all unauthorised en-suite bathrooms and as such none of the proposed bedrooms have access to private bathroom facilities (with the exception of Bedroom 14 located at second floor level).

At lower ground floor level two of the proposed bedrooms have access to private kitchen areas whilst the two other bedrooms located to the north of the lower ground floor share access to communal kitchen and dining rooms facilities at ground floor level. This shared open plan kitchen/dining area provides 48sqm of floor space to serve 5 bedrooms across both the lower ground and ground

floor levels. The open plan layout proposed is considered sufficient to accommodate the number of future occupiers.

At first floor the proposal comprises of 5 bedrooms with shared bathroom facilities and an open plan kitchen/dining area providing 26sqm of communal floor space. At second floor level the proposal comprises of 3 bedrooms, two shared bathrooms and a shared kitchen/dining room.

The layout of the proposed shared kitchen/dining areas is such that they could reasonably accommodate the required furniture to allow future occupiers to cook and eat meals.

Each habitable room proposed benefits from acceptable levels of light, outlook and ventilation leading to an acceptable standard of living for future occupiers. Furthermore each bedroom proposed measures above the minimum standards contained within the Governments National Space Standards and feature sufficient circulation space and useable floor area to allow for the placing of necessary furniture. As such the standard of accommodation proposed is deemed acceptable and is in accordance with Policy QD27.

#### **8.5 Impact on Amenity:**

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

A change to a Sui Generis HMO would result in a more intensive use of the property and a greater impact on the immediate and surrounding area.

It is acknowledged that the level of activity that would occur from unconnected adults living together would be more intensive when compared to a typical family and that this may result in different patterns of behaviour and frequent comings and goings. However given that the predominant character of Eaton Gardens is flatted development which contain up to 40 units, it is considered that the resultant occupancy and associated level of activity is comparable to that of neighbouring properties. Therefore the use of the property as a large HMO is broadly similar to that of other properties within the immediate context of the property and therefore the proposal is not considered contrary to Policy QD27.

The applicant has confirmed that given that some of the bedrooms are of generous sizes and able to accommodate two occupiers, the intended future occupancy levels for the building are 20 persons. As mentioned above, the size of the proposed scheme is deemed acceptable. However to ensure occupancy levels a suitably worded condition will be attached to any permission given to secure the number of future occupiers and to retain all communal facilities to ensure there would be no future increase in the number of bedrooms.

It is considered that the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission.

A draft Management Plan has been submitted as part of the application submission which sets out tenancy procedures and behaviour management. The submission of a fully detailed Management Plan to be submitted within 3 months of any approval given is recommended to be secured by condition.

## 8.6 **Sustainable Transport:**

When the existing building was operational as a care home the property provided 14 bedrooms with ancillary office accommodation. The number of bedrooms proposed is similar to that existing and it is therefore not considered that there would be a substantial uplift in the number of trips generated as a result of the change of use when taking into account staff and servicing associated with the former care home.

The on-site car parking spaces are to be retained however these spaces are not formally laid out. The on-site parking area would appear to accommodate approximately 4 vehicles which is in accordance with SPD14.

However given the size of the HMO proposed it is considered that there is potential to generate additional demand for on-street parking. The proposed use is considered likely to generate overspill parking at times when residential parking demand on surrounding streets is highest. Whilst the surrounding Controlled Parking Zone would manage the impact of overspill parking there is currently a waiting list for permits in Zone N.

It is considered that restricting access of future occupants to parking permits would be warranted in this instance on the grounds of the size of the proposal, the potential for additional on-street demand and the good accessibility of the site by sustainable transport modes.

Cycle parking appears to be proposed for the site in accordance with the minimum requirement by SPD14. The plans indicate that this is to be located to the front of the building; however full details of this are recommended to be secured by condition.

## 8.7 **Sustainability:**

Given that the proposed site relates to the conversion of an existing property, in this instance energy and water efficiency standards are not sought by condition.

## 9. **EQUALITIES**

- 9.1 Given that the proposal relates to the conversion of the existing property, the works would not be required to comply with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings).



# **ITEM G**

**14 Eaton Gardens Hove**

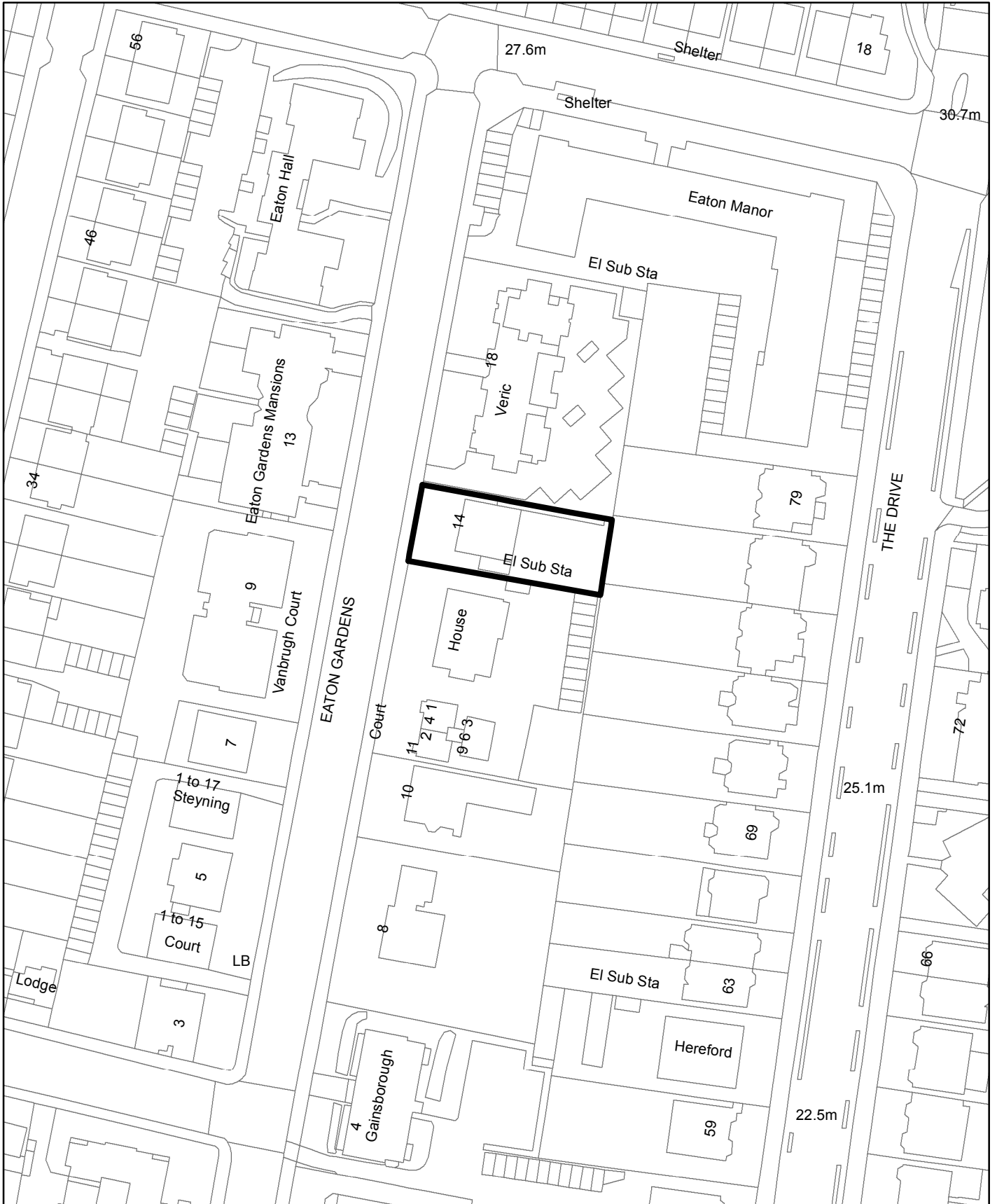
**BH2017/00202**

**Listed building consent**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2017/00201 14 Eaton Gardens, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/00202</b>	<b><u>Ward:</u></b>	<b>Goldsmid Ward</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>14 Eaton Gardens Hove BN3 3TP</b>		
<b><u>Proposal:</u></b>	<b>Internal alterations to layout and rationalising of existing pipework.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, tel: 292359	<b><u>Valid Date:</u></b>	20.01.2017
<b><u>Con Area:</u></b>	Willett Estate	<b><u>Expiry Date:</u></b>	17.03.2017
<b><u>Listed Building Grade:</u></b>	Listed Building Grade II		
<b><u>Agent:</u></b>	Mr Simon Bareham Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall Road
<b><u>Applicant:</u></b>	Mr Jogi Vig BN1 5PD	C/O Lewis and Co Planning	2 Port Hall Road Brighton

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** Listed Building Consent subject to the following Conditions and Informatives.
1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.  
**Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
  2. All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black and retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
  3. All new walls shall be scribed around all existing features including any skirting boards, dado rails, picture rails and cornices, and the existing features shall not be cut into or damaged. Any new skirting boards, picture rails, dado rails and cornices shall be run around all new walls and the blocked up doors to match exactly the originals in each respective part of the building.  
**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.
  4. All existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design as agreed in writing by the Local Planning Authority prior to commencement of work. Any fireproofing to doors should be an integral part of the door construction, and self-closing mechanisms, if required, shall be of the concealed mortice type.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

5. No works shall take place until a schedule of all features to be removed, moved, replaced or reinstated has been submitted to and approved in writing by the Local Planning Authority. All replacement and reinstatement features must match exactly the original in materials and detail. Photographs/drawings/sections recording the features to be replicated must be submitted along with 1:1 scale drawings of proposed items for approval by the Local Planning Authority.

**Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

6. No cables, wires, aerials, pipework, meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

7. The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan and CP15 of the Brighton and Hove City Plan Part One.

Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location Plan			20 January 2017
Block Plan			20 January 2017
Floor Plans Proposed	427-21 F		30 November 2017
Elevations and sections proposed	427-23 B		8 February 2018

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The building is a late Victorian detached villa which is Grade II listed and falls within the Willett Estate Conservation Area. The building has been subject to a number of internal and external alterations.

- 2.2 The significance of 14 Eaton Gardens lies in its exterior architectural design and detailing, its grand entrance and staircase and the large grand rooms and fine interiors. A site visit undertaken in March 2017 revealed that a substantial amount of historic fabric remains in the building including original doors, cornices, architraves, stained glass windows, staircase, handrails and balustrades and fireplaces. Unfortunately, some historic fabric has been lost to previous alterations.
- 2.3 This application seeks Listed Building Consent for a number of internal alterations the property to facilitate the use of the building as a House in Multiple Occupation. The proposal seeks to remove a number of unauthorised works which have taken place since 2005 and to reinstate and reveal some of the historic fabric to the property which has been previously lost.

### 3. RELEVANT HISTORY

**BH2017/00201:** Change of Use from Nursing Home (C2) to 15no bedroom House in Multiple Occupation (Sui generis) incorporating internal alterations to layout. (Part retrospective) Under Consideration.

**BH2010/02768:** Internal alterations. (Retrospective) Refused November 2010.

**BH2006/00491:** Internal alterations and installation of access ramp to front elevation. (Part Retrospective) Refused April 2006.

**BH2005/06553:** Internal alterations and replacement access ramp. Refused January 2006.

**BH2002/02922/FP:** Change of use from residential care home (C2) to a hostel for the homeless (Sui Generis). Refused February 2003.

### 4. REPRESENTATIONS

- 4.1 Ten (10) letters of representation have been received objecting to the proposed development on the following grounds:
- The proposed use is inappropriate for the area
  - Noise and disturbance to residents
  - The fact the building does not meet required standards isn't justification for the change of use
  - Additional parking problems
  - Inadequate information of future occupiers
  - Loss of the existing care home
  - An HMO use is not suitable for a conservation area and listed building
- 4.2 None of these comments specifically relate to the works that require Listed Building Consent.

### 5. CONSULTATIONS

- 5.1 **Heritage:** Insufficient information Original comments 28.03.2017

The application is accompanied by a brief heritage statement and a brief photographic survey of the building, neither of which provide any assessment of the building or the impacts of the proposed development on any remaining historic fabric. The application does not identify the original structure or historic features or the phases of alterations. Further, the application lacks elevation drawings.

The proposal fails to demonstrate that it would not have an adverse effect on the architectural and historic character of the listed building. No details accompany the application; therefore more detailed comments are unable to be made.

Given the history of unauthorised works which have been undertaken on the site, including the removal of historic fabric, the proposal includes minimal reinstatement of original features. The site visit allowed a visual assessment of the amount and quality of historic features remaining internally, however these have not been addressed in the application.

The current proposal has little regard for the original historic features or historic layout of the building. An accurate assessment of the remaining historic features and layout will allow a sympathetic proposal for the change of use to be submitted.

Additional information and amendments are sought.

(Additional comments following amendments 09.02.2018)

The proposal is for internal alterations with the only external works being additional rainwater goods to facilitate the new layout and use. It should be noted that there have been ongoing enforcement issues with the site and the current application has been an opportunity to rectify these unauthorized works and seek improvements to the listed building.

The revision F amended plans propose the removal of all of the existing fire lobbies which divide the main rooms of the house into irregular and ill-proportioned room sizes. Ensuite rooms within larger rooms are also proposed to be removed to reinstate the principal room proportions on the ground and first floors. The rest of the floor plan has been rationalised to remove modern partition walls and ill-proportioned spaces. Some concessions have been made around the floor plan due to the centrally located lift and the historic side extension to the south.

The proposal also includes the reinstatement or revealing of historic fabric such as the fireplace in the entrance foyer and the removal of partition walls blocking in part of the main stair. This is welcomed and will help to reinstate the special interest of the building. A condition will be included on the consent for details of the architectural features to be revealed.

The proposed alterations to the external elevations consist of the rationalisation of the rainwater goods. Both the north and south elevations of the listed building are highly visible from the public realm due to the setbacks of the neighbouring properties. The most recent amended elevations (revision B) show a significant reduction in rainwater goods on all elevations which is a much welcomed improvement.



Contrary to the initial proposed plans submitted for the site, the most recent amendments remove the unauthorized works and reinstate some of the original architectural features and layout of the listed building. The proposal meets the requirements of the NPPF and local plan policies HE1 and HE4 and the associated guidance.

## **6. MATERIAL CONSIDERATIONS**

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP15 Heritage

Brighton & Hove Local Plan (retained policies March 2016):

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

Supplementary Planning Documents:

SPD09 Architectural Features

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 Subject to the recommended conditions, the proposed works would not harm the historic character or appearance of the Grade II listed building or wider conservation area, in accordance with policies HE1, HE4 & HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

- 8.2 This application seeks listed building consent for internal alterations to the existing property to facilitate the use of the building as a House in Multiple Occupation. The only external works proposed are related to rainwater goods to facilitate the new layout proposed.
- 8.3 This application provides an opportunity to rectify the unauthorised works previously undertaken to the property and seeks improvements to this Listed building.
- 8.4 Following ongoing discussions during the lifetime of the application amended plans have been received. The proposal now incorporates the removal of all the existing fire lobbies which divide the existing main rooms into irregular and ill-proportioned sizes. In addition the unauthorised en-suite bathrooms within the larger rooms are to be removed to reinstate the proportions of these rooms at ground and first floor level.
- 8.5 In addition to the removal of the above, the floor plan across each of the floors of the building has been amended to remove modern partitions. Some concessions have been made around the floor plan due to the centrally located lift and the historic side extension to the south.
- 8.6 Furthermore the application includes the reinstatement of some of the historic fabric of the building which has previously been covered up. Examples of this include fireplaces and the removal of partition walls to the main staircase. This element of the scheme is welcomed and will reinstate the special interest of this building.
- 8.7 With regards to the external elevations of the building, the proposal seeks to rationalise the existing rainwater goods which at present result in cluttered elevations. The side elevations of the building are visible from within the streetscene given the set back of neighbouring properties. The most recent amended plans show a significant reduction in rainwater goods to all elevations which is a welcomed improvement.
- 8.8 Following the receipt of amended plans which seeks to remove the unauthorised works and reinstate some of the original architectural features to this Listed Building the application is in accordance with Policies HE1 and HE4 of the Brighton and Hove Local Plan.

## **9. EQUALITIES**

- 9.1 None identified

# **ITEM H**

**69 Saltdean Drive, Brighton**

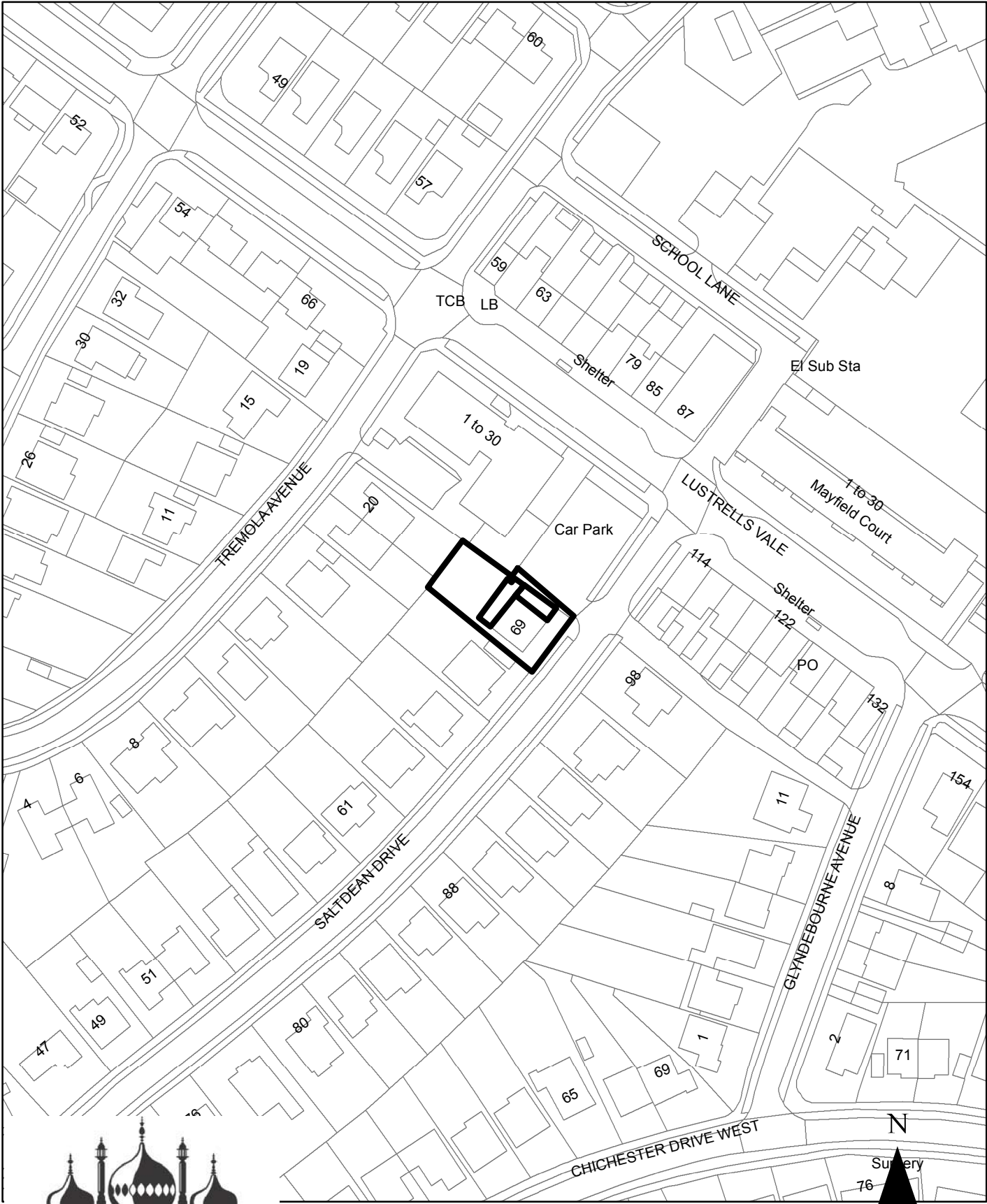
**BH2017/03397**

**Full planning**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2017/03397 69 Saltdean Drive, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/03397</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>69 Saltdean Drive Saltdean Brighton BN2 8SD</b>		
<b><u>Proposal:</u></b>	<b>Erection of a single storey rear extension with associated roof extension. Side passageway roof alteration. Replacement white UPVC windows and doors to match existing. (Retrospective)</b>		
<b><u>Officer:</u></b>	<b>Sven Rufus, tel: 292454</b>	<b><u>Valid Date:</u></b>	<b>09.10.2017</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>04.12.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>CG Design 30 Coleridge Close Goring By Sea Worthing BN12 6LD</b>		
<b><u>Applicant:</u></b>	<b>New Generation Care Ltd c/o Aspen Capital Group 79 High Street Eton SL4 6AF Berkshire</b>		

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Floor Plans and Elevations	17/2009/1/02		9 October 2017
Floor plans/elevations/sect proposed	17/2009/1/01	A	25 January 2018

2. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

### 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. The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Department for Transport's Manual for Streets section 8.2.22.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site is a brick and rendered chalet bungalow on the west side of Saltdean Drive. The property is the northernmost on the road with a public car park to the north.
- 2.2 The property has previously been used as a dwellinghouse (C3). This application seeks to make alterations to the property that would facilitate its use as a dwellinghouse used by not more than six residents living together as a single household where care is provided for residents (C3b). This use remains within the Use Class C3, and therefore does not constitute a change of use requiring planning consent.
- 2.3 The application is to erect a single storey rear extension, and a roof alteration over the side passageway.

## **3. RELEVANT HISTORY**

**BH2017/03400:** Conversion of existing garage into habitable space with revised fenestration. (Retrospective) (UNDER CONSIDERATION)

**BH2005/02454/FP:** Demolition of car port and erection of side extensions. (APPROVED 26/10/17)

**53/1341:** Erection of Bungalow and Garage (APPROVED 3/11/53)

## **4. REPRESENTATIONS**

- 4.1 Twenty one (21) objections have been received from fourteen neighbours, raising the following concerns:
  - Overdevelopment of the building in conjunction with loss of parking space/garage
  - Concerns regarding the impact of the development on street parking, road safety and access for emergency vehicles.
  - Works already commenced
  - Poor design of the front elevation which detrimentally alters the character of the building.
  - Change of use from residential to healthcare.
  - Impact on local business due to restricted parking.



- 4.2 One (1) letter of support has been received from the Youth Participation Team, on the grounds that there is a need for this type of accommodation and as they understand there will not be a big impact on parking.

## **5. CONSULTATIONS**

### **5.1 Car / Disabled Parking**

The development proposes to retain the existing parking space in front of the garage. The applicant should look to provide a disabled parking space in line with SPD14 parking standards. It is recommended that details of disabled parking and its implementation are secured by condition.

### **5.2 Cycle Parking**

The applicant suggests that secure cycle parking can be provided in the covered passageway leading to the front door of the property. However, no details regarding the number or type of cycle parking provided. It is recommended that details of cycle parking and its implementation are secured by condition.

- 5.3 Cycle Parking should comply with standards set out in SPD14. In addition, in order to be in line with Policy TR14 of the Brighton and Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical sheltered.

### **5.4 Trip Generation**

The development is likely to lead to a slight increase in trips to the site. However, the anticipated impact is likely to be marginal. Furthermore, the demand profile is likely to be different with a lower level of demand overnight when residential demand is highest. The highest level of demand (e.g. visitors, staff) is likely to be during the day when residential demand is lowest. Therefore it is not considered that the development will result in a severe impact upon the surrounding highway network.

## **6. MATERIAL CONSIDERATIONS**

- 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

### **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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7.0 POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

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

TR4 Travel plans

TR14 Cycle access and parking

QD14 Extensions and alterations

QD27 Protection of amenity

#### Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations for this application is the impact of the proposals on the appearance of the property, the potential impact on amenity and the potential impact of the proposals on parking in the area around the application site. The application is retrospective as the construction had been largely constructed at the time of the officer site visit.

### 8.2 Design and Appearance

The proposed single storey extension projects beyond the rear elevation of the dwelling by 4m, along the width of the existing house. In doing so, the extension also sits behind a previous extension along the north eastern side elevation.

- 8.3 The new extension is currently entirely constructed in brick, while the main house is brick with render above. The extension has a flat roof while the main house has a pitched roof. Although the new extension has been constructed with different materials and a different roof form to the main house, it is considered that the impact of this on the appearance of the original house does not cause harm given that it is not visible from the public realm.

- 8.4 The single storey rear extension is therefore considered a suitable addition to the building that does not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

### 8.5 Amenity

The new extension does not provide any opportunities for additional overlooking into neighbouring properties. In being set away from the boundary of the site with the neighbour at 67 Saltdean Drive and constructed at a height that is not significantly higher than the boundary feature, the new extension does not

cause any impacts on amenity as a result of overshadowing or creating an overbearing structure. There is no neighbour along the northern boundary as the adjacent site is used as a car park.

8.6 The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit and no significant harm has been identified.

#### 8.7 Parking

The retrospective application for the single storey rear extension, along with the associated application BH2017/03400 for converting the garage into habitable space, would result in the final building being a house with 6 rooms in use as a dwellinghouse. As a result of this potential number of occupants and support staff, there has been a large number of objections from neighbours highlighting the likely impact that the developments would have on the level of street parking in the area.

8.8 The applicants have supplied information regarding the management of vehicle movements that would arise as a result of the occupation and support services associated with the residents of the property. This assessment addressed resident, staff and visitor movements, stating that:

- residents have physical or learning disabilities that prevent them from driving. Consequently there is no ongoing parking concern arising from residents.
- staff will be encouraged to use public transport and can receive subsidised bus passes from the employer. If staff do drive they will be instructed to park away from the site or use the public car park next door. Managers will park on site or in the adjacent public car park. Secure cycle parking can be provided on site.
- visitors will be encouraged to park in the adjacent public car park.

8.9 An assessment of the transport and parking issues associated with this application concluded that there would only be a slight increase on the trips generated by this site, and the additional parking demand would not result in a severe impact on the highways network. The additional parking would not likely be at the busiest times for other parking demands in the area, and the impact is reduced in this way.

8.10 In light of the Transport comments, and the commitment made by the applicant to reduce the numbers of trips generated, the issue of parking is not considered to be severe enough to merit refusal.

### 9. **EQUALITIES**

The applicant is New Generation Care Ltd, an organisation that provides accommodation and support to adults with learning and physical disabilities. The intention to provide support in this way is noted.



## Penny Jennings

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**To:** Penny Jennings  
**Subject:** FW: Planning Application no BH2017/03400 and BH2017/03397 69 Saltdean Drive.

**From:** Mary Mears  
**Sent:** 20 February 2018 5:24 PM  
**To:** Sven Rufus  
**Subject:** Planning Application no BH2017/03400 and BH2017/03397 69 Saltdean Drive.

Sven Rufus.  
Assistant Planning Officer.  
Hove Town Hall.

Planning Application no BH2017/03400 and BH2017/ 03397 69 Saltdean Drive Saltdean.

As a ward councillor for Rottingdean Coastal I wish to raise objections to the above retrospective planning applications

In my view these applications are out of keeping with the street scene, with the proposed changes to the bungalow in this location with its bulk and size,

It is totally unrealistic to consider that staff would arrive by bus to 69 Saltdean Drive with the limited bus service available. A similar statement regarding staffing was made by Glenholme/NGC with regards to their property in Lustrells Crescent, the reality is very different.

The supporting documents suggest the public Car park next to 69 Saltdean Drive known as Lustrells Vale Car Park could be used, this is an interesting statement as previously when approval for Saltdean Primary School expansion was granted, concerns were raised regarding parking around Lustrells Vale shops. The school expansion was agreed with the condition that Lustrells Vale Car Park should not be used.

Parking is an ongoing serious problem in Saltdean at the last Local Action Team meeting attended by Sussex Police and a councils transport officer, residents raised many concerns with regards to parking in Saltdean including the above planning application.

My understanding these retrospective planning applications will be coming to the planning committee, therefore I wish to reserve my right to speak at committee.

Kind regards.

Mary.

Councillor Mary Mears  
Conservative Member of Rottingdean Coastal Ward  
Telephone: 01273 294370  
Mobile: 07795 336001  
Email: [mary.mears@brighton-hove.gov.uk](mailto:mary.mears@brighton-hove.gov.uk)

## Penny Jennings

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**To:** Penny Jennings  
**Subject:** FW: Planning Application no BH2017/03400 and BH2017/03397 69 Saltdean Drive.

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As a ward councillor for Rottingdean Coastal I wish to raise objections to the above retrospective planning applications

In my view these applications are out of keeping with the street scene, with the proposed changes to the bungalow in this location with its bulk and size,

It is totally unrealistic to consider that staff would arrive by bus to 69 Saltdean Drive with the limited bus service available. A similar statement regarding staffing was made by Glenholme/NGC with regards to their property in Lustrells Crescent, the reality is very different.

The supporting documents suggest the public Car park next to 69 Saltdean Drive known as Lustrells Vale Car Park could be used, this is an interesting statement as previously when approval for Saltdean Primary School expansion was granted, concerns were raised regarding parking around Lustrells Vale shops. The school expansion was agreed with the condition that Lustrells Vale Car Park should not be used.

Parking is an ongoing serious problem in Saltdean at the last Local Action Team meeting attended by Sussex Police and a councils transport officer, residents raised many concerns with regards to parking in Saltdean including the above planning application.

My understanding these retrospective planning applications will be coming to the planning committee, therefore I wish to reserve my right to speak at committee.

Kind regards.

Mary.

Councillor Mary Mears  
Conservative Member of Rottingdean Coastal Ward  
Telephone: 01273 294370  
Mobile: 07795 336001  
Email: [mary.mears@brighton-hove.gov.uk](mailto:mary.mears@brighton-hove.gov.uk)

# **ITEM I**

**69 Saltdean Drive, Brighton**

**BH2017/03400**

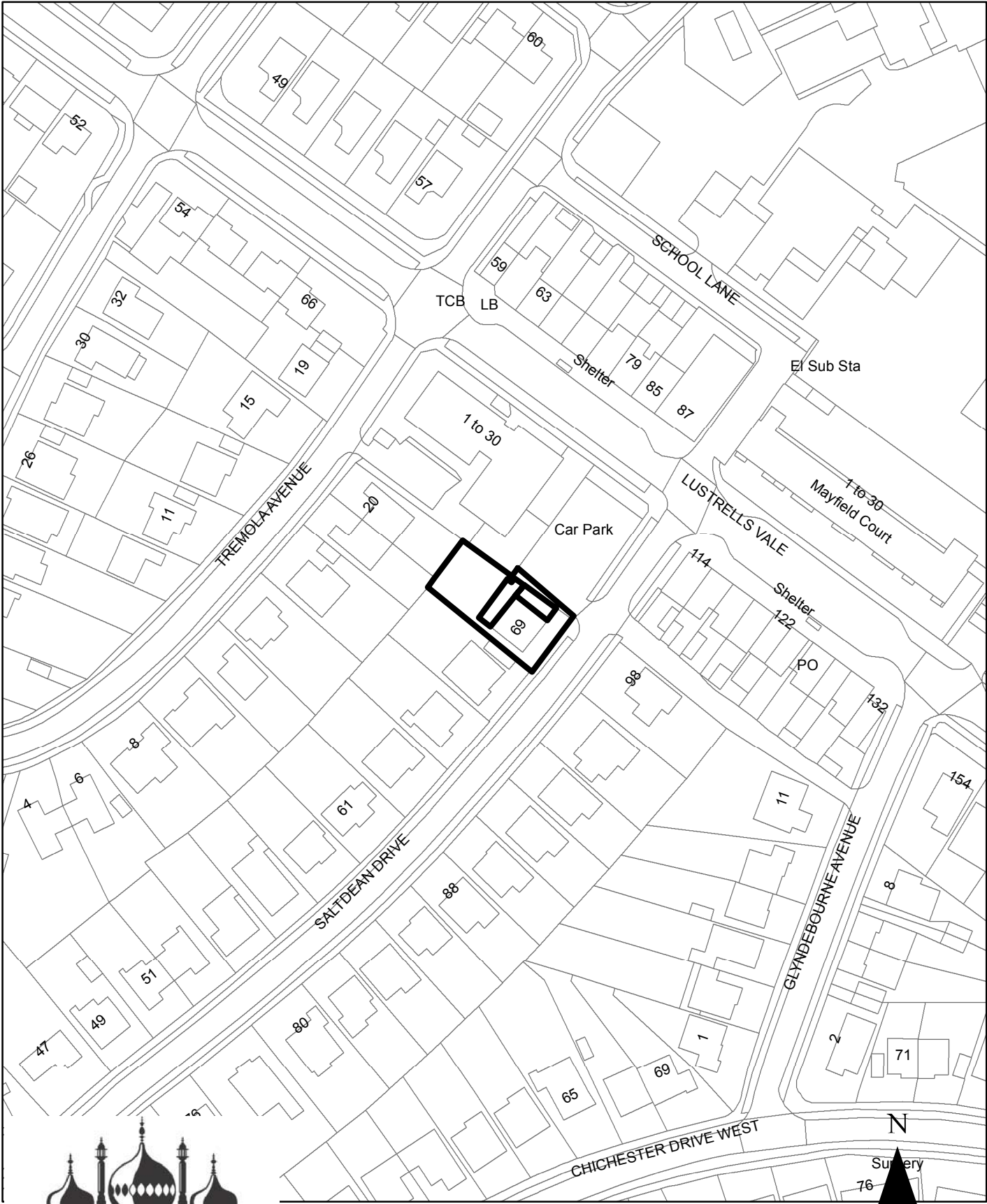
**Full planning**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**





# BH2017/03397 69 Saltdean Drive, Brighton



**Brighton & Hove  
City Council**

**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/03400</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>69 Saltdean Drive Saltdean Brighton BN2 8SD</b>		
<b><u>Proposal:</u></b>	<b>Conversion of existing garage into habitable space with revised fenestration. (Retrospective)</b>		
<b><u>Officer:</u></b>	Sven Rufus, tel: 292454	<b><u>Valid Date:</u></b>	09.10.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	04.12.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Clive Gibbs	30 Coleridge Close	Goring By Sea Worthing BN12 6LD
<b><u>Applicant:</u></b>	Mr D Serratt	C/o Aspen Capital Group	79 High Street Eton SL4 6AF

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Floor Plans and Elevations	17/2009-2-02		9 October 2017
Floor plans/elevations/sect proposed	17/2009-2-01	A	7 February 2018

2. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

### 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. The applicant is advised that in order to provide policy compliant cycle parking the Highway Authority's preference is for the use of Sheffield Stands spaced in line with the guidance contained within the Department for Transport's Manual for Streets section 8.2.22.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site is a brick and rendered chalet bungalow on the west side of Saltdean Drive. The property is the northernmost on the road with a public car park to the north.
- 2.2 The property has previously been used as a dwellinghouse (C3). This application seeks to make alterations to the property that would facilitate its use as a dwellinghouse used by not more than six residents living together as a single household where care is provided for residents (C3b). This use remains within the Use Class C3, and therefore does not constitute a change of use requiring planning consent.
- 2.3 The application is for the conversion of an existing garage into habitable space, with revised fenestration. The conversion of the garage into habitable space cannot be completed under Permitted Development, due to a condition placed on use by the approved scheme BH2005/02454/FP, which limited the use of the garage to parking of private vehicles and motorcycles belonging to occupants and visitors of the development.

## **3. RELEVANT HISTORY**

**BH2017/03397:** Erection of a single storey rear extension with associated roof extension. Side passageway roof alteration. Replacement white UPVC windows and doors to match existing. (Retrospective) (UNDER CONSIDERATION)

**BH2005/02454/FP:** Demolition of car port and erection of side extensions. (APPROVED 26/10/17)

**53/1341:** Erection of Bungalow and Garage (APPROVED 3/11/53)

## **4. REPRESENTATIONS**

- 4.1 Twenty one (21) objections have been received from fourteen neighbours, raising the following concerns:
  - Overdevelopment of the building in conjunction with loss of parking space/garage
  - Concerns regarding the impact of the development on street parking, road safety and access for emergency vehicles.
  - Works already commenced
  - Poor design of the front elevation which detrimentally alters the character of the building.
  - Change of use from residential to healthcare.

- Impact on local business due to restricted parking.
- 4.2 One (1) letter of support has been received from the Youth Participation Team, on the grounds that there is a need for this type of accommodation and as they understand there will not be a big impact on parking.

## **5.0 CONSULTATIONS**

### **5.1 Transport**

#### *Vehicle Access*

Vehicle access will remain as existing. The removal of the existing garage will leave the space in front of the garage as a parking space and therefore the current vehicle access remains in use.

### **5.2 Car Parking / Trip Generation**

It is noted that the proposal would not result in an uplift in residential units but provides three additional bedrooms. Whilst the development is likely to lead to a slight increase in trips to the site, any additional parking demand is not considered to result in a severe impact upon the surrounding highway network. There is limited potential for displaced parking from the existing garage particularly as the garage is not independently accessible from the space in front (which will be retained).

## **6. MATERIAL CONSIDERATIONS**

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## **7. POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

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

TR4 Travel plans  
TR14 Cycle access and parking  
QD14 Extensions and alterations  
QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations for this application is the impact of the proposals on the appearance of the property, the potential impact on amenity and the potential impact of the proposals on parking in the area around the application site. The application is retrospective as the construction had been largely constructed at the time of the officer site visit.

8.2 Design and Appearance

The garage conversion, to create a habitable room required some alterations to the front elevation of the property in terms of revised fenestration and positioning of doors. There has also been some alteration to the front elevation at first floor level, with an inset balcony being filled in to create a continuous wall with a window to the front bedroom at this level.

8.3 While the original front elevation has been altered, and the loss of the balcony does cause detriment to the appearance, these alterations do not cause significant harm to the appearance of the building and do not merit refusal in this case.

8.4 Amenity

It is considered that there are no impacts on amenity resulting from the conversion of the garage as the building form remains the same, and the revised fenestration is on the front elevation, and does not cause any additional overlooking onto neighbouring properties.

8.5 Parking

The retrospective application for the single storey rear extension, along with the associated application BH2017/03400 for converting the garage into habitable space, would result in the final building being a house with 6 rooms. As a result of this potential number of occupants, there have been a large number of objections from neighbours highlighting the likely impact that the developments would have on the level of street parking in the area.

8.6 The applicants have supplied information regarding the management of vehicle movements that would arise as a result of the occupation and support services associated with the residents of the property. This assessment addressed resident, staff and visitor movements, stating that:

- residents have physical or learning disabilities that prevent them from driving. Consequently there is no ongoing parking concern arising from residents.

- staff will be encouraged to use public transport and can receive subsidised bus passes from the employer. If staff do drive they will be instructed to park away from the site or use the public car park next door. Managers will park on site or in the adjacent public car park. Secure cycle parking can be provided on site.
- visitors will be encouraged to park in the adjacent public car park.

8.7 An assessment of the transport and parking issues associated with this application concluded that there would only be a slight increase on the trips generated by this site, and the additional parking demand would not result in a severe impact on the highways network. The additional parking would not likely be at the busiest times for other parking demands in the area, and the impact is reduced in this way.

8.8 In light of the Transport comments, and the commitment made by the applicant to reduce the numbers of trips generated, the issue of parking is not considered to be severe enough to merit refusal.

## **9. EQUALITIES**

9.1 The applicant is New Generation Care Ltd, an organisation that provides accommodation and support to adults with learning and physical disabilities. The intention to provide support in this way is noted.





## Penny Jennings

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**To:** Penny Jennings  
**Subject:** FW: Planning Application no BH2017/03400 and BH2017/03397 69 Saltdean Drive.

**From:** Mary Mears  
**Sent:** 20 February 2018 5:24 PM  
**To:** Sven Rufus  
**Subject:** Planning Application no BH2017/03400 and BH2017/03397 69 Saltdean Drive.

Sven Rufus.  
Assistant Planning Officer.  
Hove Town Hall.

Planning Application no BH2017/03400 and BH2017/ 03397 69 Saltdean Drive Saltdean.

As a ward councillor for Rottingdean Coastal I wish to raise objections to the above retrospective planning applications

In my view these applications are out of keeping with the street scene, with the proposed changes to the bungalow in this location with its bulk and size,

It is totally unrealistic to consider that staff would arrive by bus to 69 Saltdean Drive with the limited bus service available. A similar statement regarding staffing was made by Glenholme/NGC with regards to their property in Lustrells Crescent, the reality is very different.

The supporting documents suggest the public Car park next to 69 Saltdean Drive known as Lustrells Vale Car Park could be used, this is an interesting statement as previously when approval for Saltdean Primary School expansion was granted, concerns were raised regarding parking around Lustrells Vale shops. The school expansion was agreed with the condition that Lustrells Vale Car Park should not be used.

Parking is an ongoing serious problem in Saltdean at the last Local Action Team meeting attended by Sussex Police and a councils transport officer, residents raised many concerns with regards to parking in Saltdean including the above planning application.

My understanding these retrospective planning applications will be coming to the planning committee, therefore I wish to reserve my right to speak at committee.

Kind regards.

Mary.

Councillor Mary Mears  
Conservative Member of Rottingdean Coastal Ward  
Telephone: 01273 294370  
Mobile: 07795 336001  
Email: [mary.mears@brighton-hove.gov.uk](mailto:mary.mears@brighton-hove.gov.uk)

## Penny Jennings

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Mary.

Councillor Mary Mears  
Conservative Member of Rottingdean Coastal Ward  
Telephone: 01273 294370  
Mobile: 07795 336001  
Email: [mary.mears@brighton-hove.gov.uk](mailto:mary.mears@brighton-hove.gov.uk)

# **ITEM J**

**50 Chailey Road, Brighton**

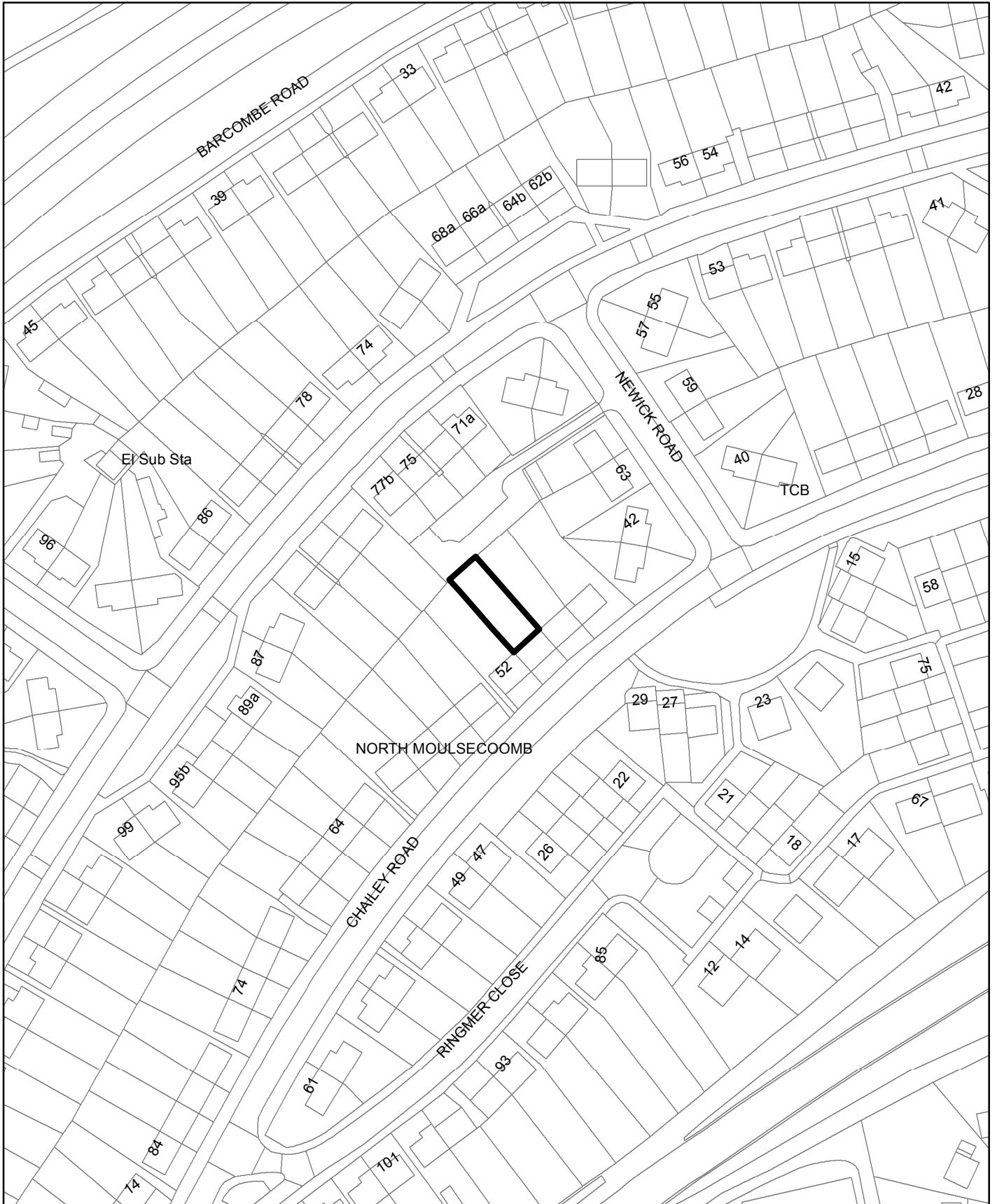
**BH2017/03684**

**Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2017/03684 50 Chailey Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/03684</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>50 Chailey Road Brighton BN1 9JF</b>		
<b><u>Proposal:</u></b>	<b>Change of use from 3 bedroom single dwelling (C3) to a 5 bedroom House in Multiple Occupation (C4) including revised fenestration to the rear elevation..</b>		
<b><u>Officer:</u></b>	Luke Austin, tel: 294495	<b><u>Valid Date:</u></b>	06.11.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	01.01.2018
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<b><u>Applicant:</u></b>	Rivers Birtwell Port Hall Road Brighton BN1 5PD	C/O Lewis & Co Planning Lewis & Co Planning	2

Councillor Yates has requested this application is determined by the Planning Committee.

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Floor plans and elevations proposed	COU.01	A	13 November 2017

2. 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.
3. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

4. The development hereby approved shall be implemented in accordance with the proposed layout detailed on drawing no. COU.01.A received on 13 November 2017 and shall be retained as such thereafter. The ground floor rooms marked as kitchen/dining room and living room as set out on drawing no. COU.01.A shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.

**Reason:** To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

5. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E 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 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.

6. The development hereby approved shall only be occupied by a maximum of five (5) persons.

**Reason:** To ensure a suitable standard of accommodation for occupiers and to safeguard the amenity of neighbouring properties to comply with policy QD27 of the Brighton & Hove Local Plan.

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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site relates to a two storey mid-terrace property to the north side of Chailey Road.
- 2.2 Permission is sought for the change of use from dwellinghouse (C3) to a small house in multiple occupation (C4).
- 2.3 The application site is located in Moulsecomb and Bevendean ward, for which there is an Article 4 direction which restricts permitted development rights for the



change of use from a single dwellinghouse (C3) to a small HMO (C4). Planning permission is therefore required for the change of use to a five bedroom HMO.

### **3. RELEVANT HISTORY**

3.1 None identified.

### **4. REPRESENTATIONS**

4.1 **Councillor Yates** objects to the application and requests it is determined by the Planning Committee (Comments attached).

### **5. CONSULTATIONS**

5.1 **Sustainable Transport:** No comment received.

### **6. MATERIAL CONSIDERATIONS**

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

### **7. POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development

TR14 Cycle access and parking

SU10 Noise Nuisance

QD27 Protection of amenity

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of the change of use, the impact upon neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.

### **8.2 Principle of development:**

The proposal would allow occupation of the property as a small HMO providing accommodation for 5 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom.

8.3 Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:

*'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:*

- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'*

8.4 A mapping exercise has taken place which indicates that there are 33 properties within a 50m radius. One other property has been identified as being in either Class C4, mixed C3/C4 or other types of HMO in a sui generis use within the 50m radius. The percentage of existing HMO's within the designated area is thus 3%.

8.5 Based upon this percentage, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

### **8.6 Design and Appearance**

The majority of the works would be carried out internally including re-orientation of the stair case and removal / installation of partition walls. The external works would be confined to minor alterations to the fenestration to the rear elevation which are considered acceptable.

### **8.7 Standard of Accommodation**

The existing layout of the property would be amended significantly in order to allow for a new kitchen / dining room, a separate living room, WC and a single

bedroom at ground floor level. An additional four single bedrooms would be provided at first floor level.

- 8.8 The bedrooms would all be of an adequate size (above 7.5 sqm) to accommodate a single bed in line with the Nationally Described Space Standards. All of the bedrooms would benefit from sufficient levels of natural light and outlook and none have restricted headroom.
- 8.9 The provision of one bathroom is considered the minimum acceptable level for five occupants. On this basis occupancy shall be secured by condition.
- 8.10 Overall the standard of accommodation provided is considered sufficient for five single occupiers. It is recommended the proposed floor layout and occupancy level shall be restricted by condition in order to ensure that all communal areas are retained which is considered necessary for the amenity of future occupiers.
- 8.11 **Impact on Amenity:**  
The proposed change of use would result in an increase in intensity of the use of the building due to more frequent comings and goings in addition to general movements and disturbance within the house. The applicant has proposed additional soundproofing to be installed on either party wall in order to alleviate some of the noise impact to neighbouring properties. The soundproofing measures are welcome and shall be secured by condition.
- 8.12 Given the low proportion of other HMO's within the immediate vicinity of the site the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.13 **Sustainable Transport:**  
The applicant is not proposing any change to the non-existent access arrangements onto the adopted highway and for this development this is deemed acceptable.
- 8.14 The applicant does not appear to be providing any cycle parking facilities. SPD14 requires 2 cycle parking spaces for a development of this size and type. A scheme of cycle parking shall therefore be secured by condition.

## 9. EQUALITIES

- 9.1 None identified



Planning application - BH2017/03684  
Sender's details  
Cllr Dan Yates

**Reasons for objection:**

The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the previously held additional licensing register to check the their impact on the 10% rule is properly taken into consideration.

I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm. " Should the recommendation on this application be to approve I would like this application to come to committee please.

Should the committee be minded to approve this application I would ask them to consider the removal of permitted development rights to ensure that any subsequent enlargement of alteration be fully considered before being approved for development on this site.



# **ITEM K**

**2 - 4 Sackville Road, Hove**

**BH2017/03076**

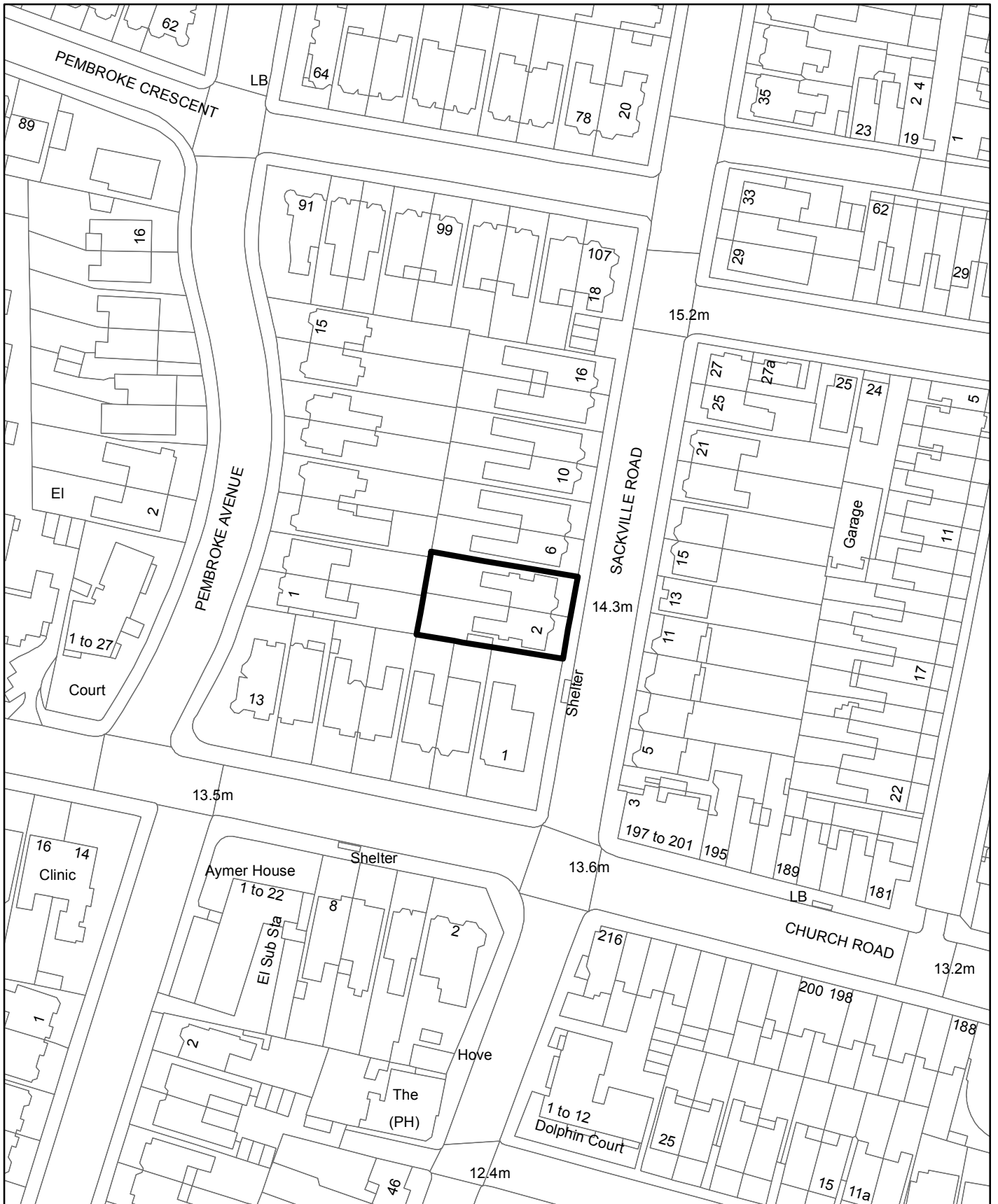
**Full Planning**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**





# BH2017/03076 2 - 4 Sackville Road, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/03076</b>	<b><u>Ward:</u></b>	<b>Westbourne Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>2 - 4 Sackville Road Hove BN3 3FA</b>		
<b><u>Proposal:</u></b>	<b>Conversion of care home (C2) into residential apartment building comprising 4no flats at 2 Sackville Road and a nine bedroom house in multiple occupation (Sui Generis) at 4 Sackville Road with associated alterations.</b>		
<b><u>Officer:</u></b>	Luke Austin, tel: 294495	<b><u>Valid Date:</u></b>	25.09.2017
<b><u>Con Area:</u></b>	Pembroke & Princes	<b><u>Expiry Date:</u></b>	20.11.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr Jogi Vig C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

1. **RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Floor Plans Proposed	599/04 A		25 September 2017
Floor Plans Proposed	599/05 B		23 September 2017

2. 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.
3. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) shall have been installed at the junction of and across Pembroke Avenue with New Church Road and at the junction of and across Pembroke Avenue with Pembroke Crescent (south) and at the junction of and across Pembroke Avenue with Pembroke Crescent (north).

**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the Brighton & Hove City Plan Part One.

4. Notwithstanding the approved plans, prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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. 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 occupation, to ensure that the development does not result in overspill parking and to comply with policies TR7, QD27 and HO7 of the Brighton & Hove Local Plan and policy CP9 of the Brighton & Hove City Plan Part One.

6. The development hereby approved shall be implemented in accordance with the proposed layout detailed on drawing nos. 599/05 B received on 23 November 2017 and 599/04 A received 25 September 2017 and shall be retained as such thereafter. The rooms within the HMO annotated as communal kitchen / dining room and communal living room shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.

**Reason:** to ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

7. The HMO unit hereby approved shall only be occupied by a maximum of nine persons.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

8. Access to the flat roof over the ground floor single storey section to the rear from the HMO and flats hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

9. Prior to first occupation of the development hereby approved a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should include details relating to site management, behaviour

and conduct of future occupiers, details of how parking will be allocated and enforced and waste/refuse management.

**Reason:** To safeguard the amenities of occupiers of the adjoining properties, to ensure parking provisions are effectively managed and to comply with SU10 and QD27 of the Brighton and Hove Local Plan, Policy CP9 of the Brighton and Hove City Plan Part One and SPD14.

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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site relates to a site formerly occupied by a pair of semi-detached two storey dwellings located to the west of Sackville Road close to the junction with Church Road / New Church Road. The two buildings were merged into one site by knocking through the internal party walls and the construction of single storey rear extensions in order to facilitate a care home.
- 2.2 In the wider context the site is set within a group of substantial semi-detached houses with projecting bays and outriggers. The east of Sackville Road comprises a mixture of terraced and semi-detached properties. The site falls within the Pembroke and Princes Conservation Area however it is not covered by an Article Four Direction.
- 2.3 The application seeks permission for the conversion of the building into four flats within no.2 Sackville Road and a 9 bedroom House in Multiple Occupation (Sui Generis) within no.4 Sackville Road. The conversion would involve internal alterations only.
- 2.4 Amendments have been sought to the original submission by way of converting flat 4 to a studio rather than a 1 bedroom flat in order to provide a better standard of accommodation, amendments to one of the ground floor flats in addition to altering the layout of the HMO in order to improve the overall standard of accommodation and usability for occupiers. The planning agent has agreed to the amendments and the amended plans will be identified on the late representations list.

**3. RELEVANT HISTORY**

**BH2009/00677** - Conversion of existing nursing home into nine self-contained flats. Refused 01.06.2009 for the following reasons:

1. The site is currently operating as a care home for the elderly. The applicant has failed to demonstrate that the existing care home facilities do not comply with, or are realistically capable of reaching, the respective standards set out for residential care / nursing homes. The site is still registered and receiving

additional residents from the city council and therefore it is still viewed as supplying a valuable resource to the city. Therefore the loss of residential care facilities is considered contrary to policy HO11 of the Brighton and Hove Local Plan.

2. The change of use relies on a number of internal bathrooms which have no natural light and ventilation. As such the development will place unacceptable dependence on artificial light and mechanical ventilation. In addition no information has been submitted to demonstrate that the conversion of the building can meet the relevant Ecohomes standards. The development is contrary to policy SU2 of the Brighton and Hove Local Plan and Supplementary Planning document on Sustainable Building Design SPD08.

**BH2007/04262** - Conversion of existing nursing home into 5 no. 2 bed flats and 4 no. one bed flats (resubmission of BH2002/00794/FP). Refused 29.08.2008.

**BH2002/00794/FP** - Conversion of existing nursing home into 9 self-contained flats. Approved 29.11.2002.

#### 4. REPRESENTATIONS

**Seventeen (17)** letters has been received objecting to the proposed development for the following reasons:

- It will devalue my property.
- Will add to parking problems
- We do not need to get rid of care homes
- Loss of privacy
- Noise at night
- There are too many HMOs in the area
- Bedrooms are too small within HMO
- Communal garden is inadequate for 9 occupants
- Risk of anti-social behaviour
- It will affect the character and the tone of the area
- Overdevelopment
- Inaccurate plans
- Below minimum space requirements
- No means of fire escape
- Will set a precedent for further schemes
- Congregation of potentially large numbers of people within gardens
- Inadequate bin storage / refuse area
- Not in keeping with the area
- Overcrowding
- Loss of care home beds
- Would allow up to 32 people to occupy building
- Communal bike storage located adjacent to neighbours

A petition has also been provided by local residents with a total of **Twenty Five (25)** signatures objecting to the proposal for the following reasons:

- Detrimental to adjoining properties
- It will not preserve the Conservation Area
- Contrary to local plan policies
- No on-site parking
- It will increase local parking demand
- It will increase density and create noise disturbance / anti-social behaviour
- Insufficient garden space for nine bedsits
- Contrary to CP21

## 5. CONSULTATIONS

### 5.1 Private Sector Housing: No objection

The proposed layout of No.4 Sackville Road would be a licensable HMO and a valid HMO Licence application would need to be submitted to the council before occupation. The proposal would need to comply with the councils HMO standards.

The 3 bedroom 1st/2nd floor proposed maisonette in No.2 Sackville Road may be licensable as an HMO depending on how it is occupied.

### 5.2 Planning Policy: No objection

It is considered the principle of the proposal can be supported based on the information submitted, subject to comments from Social Care & Health and other consultees and a detailed check of the accommodation balance in the surrounding.

The provision of 4 residential units of different sizes is welcomed and would contribute towards the city's housing target as set out in Policy CP1 of the City Plan Part One. The proposed HMO would also provide a form of residential accommodation.

### 5.3 Sustainable Transport: No objection

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions securing highway improvements and cycle parking.

### 5.4 Adult Social Care No objection

Adult Social care would support this change of use application. Brighton and Hove are aware that the requirement for care homes that are only able to provide residential care in environments that cannot support increasing physical or mental health needs is decreasing. The care needs assessment highlights the limitations of the current environment to meet these needs therefore we would support this change.

## 6. MATERIAL CONSIDERATIONS

### 6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan,

and all other material planning considerations identified in the "Considerations and Assessment" section of the report

- 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. **POLICIES**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
CP1 Housing delivery  
CP2 Sustainable economic development  
CP3 Employment land  
CP7 Infrastructure and developer contributions  
CP9 Sustainable transport  
CP12 Urban design  
CP14 Housing density  
CP15 Heritage  
CP19 Housing mix  
CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HO20 Retention of community facilities

#### Supplementary Planning Documents:

SPD14 Parking

## 8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the loss of the existing use, principle of the proposed uses, the impact upon neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.



8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

8.3 **Principle of development:**

The application seeks permission for the conversion of a vacant care home into two residential sites. No. 2 Sackville Road would consist of four flats whilst no. 4 would be converted into a 9 bedroom sui generis HMO.

8.4 Loss of The Existing Use

The existing use of the building is as a care home (C2). The application follows a previous submission (BH2009/00677) which refused for the following reason relating to the loss of the existing use:

1. The site is currently operating as a care home for the elderly. The applicant has failed to demonstrate that the existing care home facilities do not comply with, or are realistically capable of reaching, the respective standards set out for residential care / nursing homes. The site is still registered and receiving additional residents from the city council and therefore it is still viewed as supplying a valuable resource to the city. Therefore the loss of residential care facilities is considered contrary to policy HO11 of the Brighton and Hove Local Plan.
2. Retained Brighton & Hove Local Plan policy HO11 covers new residential care homes and retention of existing facilities. It advises that permission will not be granted for homes which comply with or are realistically capable of reaching the respective standards set out for residential care or nursing homes. In the event of the loss of such a home being considered acceptable it seeks that the priority will be to secure additional housing units or supported housing for people with special needs. The supporting text makes it clear that the additional housing units can be unfettered i.e. not necessarily for people with special needs.
3. Since the refusal of the previous application BH2009/00677, which sought conversion of the nursing home into nine flats, the care/nursing home has closed due to high vacancy rates.
4. In general smaller care homes appear to be less viable than larger ones. The reference to 'respective standards' would now refer to the regulations issued in 2014 under the Health & Social Care Act 2008, which identifies general issues in relation to 'Premises and equipment'. Whilst these are not prescriptive to the extent that they require specific room sizes, there is a requirement that rooms are suitable for the purpose for which they are being used and appropriately located for the purpose for which they are being used.

5. The application is supported by a report setting out why the property is no longer realistically and/or viably capable of meeting respective standards. The report details that the nature of the demand for care has changed over time and that the majority of people requiring care are generally older, frailer and more dependant as the government has placed an emphasis of maintaining people in their homes. As a result the services provided must be capable of accommodating specialist care services.
6. As of 25th March 2017 the home had seven vacancies and it was registered for 20 occupants. It was therefore not considered viable by the occupier to remain operational. In consultation with BHCC Adult Social Care the applicant closed the home.
7. The report details that the closure of the care home was due to a lack of referrals from the Council for residential care which formed all of the referrals to the home. Therefore due to the lack of demand the site ceased to operate. If the site were to re-open it would be required to comply with the Fundamental Standards Regulation 15 of the Health & Social Care Act 2008 and the current Regulations. The report also makes an assessment of the current accommodation and confirms that in its existing state the site would not meet the required standard for a number of reasons including limited wheelchair access to a number of rooms, inadequate fire exit route, restricted usability within several en-suite facilities and restricted accessibility for supported mobilisation over the majority of the site. The report concludes that the restrictions and conditions of the existing site would severely limit the upgrading of the entire building to an appropriate modern standard and the site would be unable to cater for specialist care meaning that the continued use as a care home is not considered viable.
8. The planning policy team have confirmed that, based on the information submitted and subject to confirmation by Adult Social Care, the loss of the care home can be justified.
9. Adult Social Care have identified that the demand for care homes that cannot support increasing physical or mental health needs is decreasing and on this basis no objection is raised to the conversion.
10. The Proposed Flats  
Policy HO11 states that where the loss of a residential / care home is considered acceptable, the priority will be to secure additional housing units or supported housing, for people with special needs.
11. Whilst the proposal is not seeking to provide housing for people with special needs, the planning policy team have confirmed that this is not considered to be a significant conflict with policy HO11, which indicates this to be a priority not a requirement. The provision of 4 residential units is welcomed and would contribute towards the city's housing target as set out in Policy CP1 of the City Plan Part One.
12. The Proposed House in Multiple Occupation

The proposal would allow occupation of the property as a Sui Generis HMO providing accommodation for 9 unrelated individuals who share basic amenities including a kitchen, living/dining room.

13. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
  - In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
  - More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'
  - A mapping exercise has taken place which indicates that there are 107 properties within a 50m radius. One other property has been identified as being in either Class C4, mixed C3/C4 or other types of HMO in a sui generis use within the 50m radius. The percentage of existing HMO's within the designated area is thus 0.93%.
  - Based upon this percentage, which is less than 10%, the proposal to change to a Sui Generis HMO would be in accordance with policy CP21.
14. **Design and Appearance:**  
No external alterations are proposed within this application.
15. **Standard of Accommodation:**  
The flats would be set over three floors with flats 1 and 2 on the ground floor, flat 4 on the first floor and flat 3 forming a maisonette over the part of the first and the second floor.
16. Although the council do not have any adopted space standards the government's Nationally Described Space Standards can be used as a comparative guide of what is expected for new dwellings. The guidance describes that a single storey one bedroom unit should have a minimum floor area of 50m<sup>2</sup> and a single storey two bedroom unit should have a minimum floor area of between 61m<sup>2</sup> and 70m<sup>2</sup> depending on occupancy levels. A two storey 3 bedroom unit should have a minimum floor area of between 74m<sup>2</sup> and 95m<sup>2</sup>.
17. Flats 1, 2 and 3 would all meet the guidance set nationally within the nationally described space standards both in size of units and floor area. Flats 1 and 2 would also benefit from separate gardens.
18. The original submission included flat 4 as a one bedroom flat with a floor area of 45m<sup>2</sup>. As this is below the national guidance and the living room suffered from

restricted usability amendments were sought to create a studio which provides more useable space and better circulation.

20. Overall the standard of accommodation provided within the flats is considered acceptable and would accord with policy QD27 of the Brighton & Hove Local Plan.
21. The HMO would include 9 bedrooms set over three floors, seven of which would have en-suite bathrooms. The final two rooms on the third floor would share a bathroom. Eight of the bedrooms (excluding the en-suite bathrooms) would be over the national standard floor area for a double room ranging from 16m<sup>2</sup> to 22.4m<sup>2</sup> when taking en-suites into account. The ninth bedroom on the third floor would have a floor area of approximately 10.5m<sup>2</sup> and therefore would qualify for a single bed space. Whilst the final bedroom would be fairly restricted if an occupier were to spend the majority of time in the room, the HMO would also include a substantial communal lounge at first floor level in addition to an adequate communal dining room / kitchen at ground floor level.
22. The applicant has indicated that the HMO will be occupied by 9 tenants. Following amendments to the layout it is considered overall, given the sufficient communal space at ground floor level, the garden area and circulation space within the bedrooms whilst taking account of the impact on adjacent neighbours, the standard of accommodation is considered acceptable for the number of occupants proposed. The retention of the communal areas in addition to maximum occupancy shall be secured by condition in order to ensure an acceptable standard of accommodation is maintained.
23. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Although these standards are secured on new dwellings it is not considered reasonable to request them on a conversion.
24. **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
25. There have been a number of objections received from neighbouring occupiers with a particular regard to the impact of the proposed development in terms of noise and general disturbance associated with the increased occupancy.
26. The previous use consisted of a 19 bedroom care home in addition to staff facilities and a kitchen operating as one site. The current proposal would split the site into two buildings including four flats with a cumulative figure of 7 bedrooms in addition to a 9 bedroom HMO creating a total of 16 bedrooms.

27. Whilst it is acknowledged that the level of activity associated with a care home would likely be less evident than the proposed use, the previous use would still have generated a significant level of activity given the size of the site, the occupancy and the associated movements of staff and visitors.
28. The proposed use is likely to generate a higher level of disturbance due to the nature of the occupancy due to more frequent comings and goings, different patterns of behaviour and the consequential disturbance, however given the size of the property and plot in addition to the location it is considered that the resultant impact would not be over what could be reasonably expected in this context. The agent has provided a draft management plan which outlines the procedures that will be taken in order to reduce the likelihood of anti-social behaviour in addition to a description of the information / contact details that will be provided to neighbours in order to complain if anti-social behaviour does occur. It is also indicated that full contact details are to be provided in the final management plan. It is therefore recommended that a full management plan should be secured by condition.
29. Furthermore as shown above there is a low proportion (below 1% of properties) of HMOs within the vicinity of the site and on this basis it is not considered that the proposed unit would result in an imbalance within the neighbourhood resulting in significant cumulative harm to neighbouring amenity.
30. It is noted that there are a number of windows at first and second floor levels which would allow views towards neighbouring properties however as the existing windows would be retained and no new openings are proposed it is considered unreasonable to secure obscure glazing. A number of objections have also been raised in relation to the roof access at first floor level and the possibility that it will be used as a roof terrace. A condition is recommended that the roof area shall be used for emergency access only.
31. **Sustainable Transport:**  
SPD14 (parking) states that for this development of 4 residential units in 2 Sackville Road the maximum car parking standard is 6 spaces (4 residential spaces and 2 visitor spaces). For this development of 9 bedrooms the maximum car parking standard is 3 spaces when rounded up (0.25 spaces per bedroom). Therefore the proposed level of car parking (zero spaces) is in line with the maximum standards and is therefore deemed acceptable in this case.
32. The proposed development would result in a greater demand for resident parking in an area of high demand where there is a controlled parking zone scheme in place. The applicant has not submitted a parking survey to demonstrate that there is capacity for additional demand in surrounding streets therefore a condition is recommended to remove rights to resident permits to ensure that harm would not be caused.
33. Although the applicant has referred to walking in their supporting evidence, they have not referred to mobility and visually impaired access. Although footways in the vicinity of the site have been improved over the years by developer

contributions, obligations and government funds there are still junctions along Pembroke Avenue that for the applicant's benefit need footway improvements (dropped kerbs in particular) to extend the transport network that policy allows the Highway Authority to request. Also, there are accessible bus stops in the vicinity of the site but mobility scooters are not permitted on buses (due to risks in an accident) hence the further importance of dropped kerbs for this growing mode of transport.

34. On this basis, dropped kerbs with paving and tactile paving if appropriate at the junction of and across Pembroke Avenue with New Church Road and at the junction of and across Pembroke Avenue with Pembroke Crescent (south) and at the junction of and across Pembroke Avenue with Pembroke Crescent (north) shall be secured by condition. This is to improve access to and from the site to the various land uses in the vicinity of the site, for example education, employment, shops, postal services, leisure (including tourism), medical, other dwellings in the wider community and transport in general.
35. SPD14 states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds and 2 for 3 plus beds and 1 space per 3 units for visitors after 4 units. For this development of 3 residential units with up to 2 beds and 1 residential unit with 3 beds the minimum cycle parking standard is 5 cycle parking spaces in total (5 for residential units and 0 visitor spaces). The applicant has proposed a cycle store in the form of a proposed building at the rear of 4 Sackville Road however, the Transport Team have identified that this is not a convenient location for both 2 and 4 Sackville Road and further than that there is a lack of numbers and detail (lighting to and in, method of security, paving to and from for example) therefore cycle parking is requested by condition.

## **9. EQUALITIES**

- 9.1 None identified

# **ITEM L**

**17 Bampffield Street, Portslade**

**BH2017/03599**

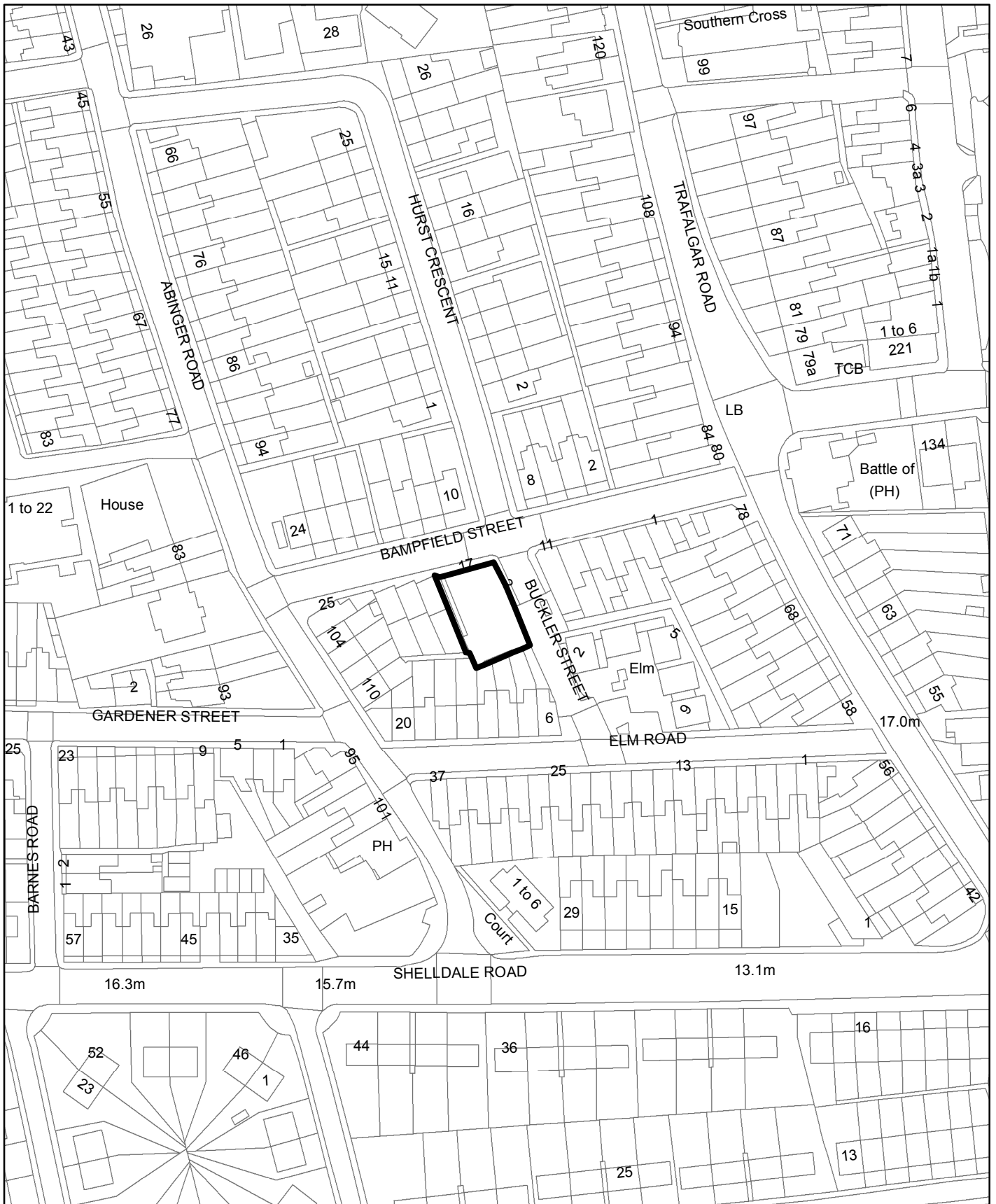
**Removal or variation of condition**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**





# BH2017/03599 17 Bampfied Street, Portslade



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2017/03599</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>17 Bampfield Street Portslade BN41 1SE</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 1 of BH2016/02846 (Demolition of existing (sui generis) mixed use garden machinery shop, servicing and repairs including workshop with offices (A1/B1) and erection of part two, part three storey building comprising of one studio flat, two 1no bedroom flats and three 2no bedroom houses including cycle store and associated works) to allow increased ground floor height, removal of parapet wall above flats and revised elevations.</b>		
<b><u>Officer:</u></b>	<b>Luke Austin, tel: 294495</b>	<b><u>Valid Date:</u></b>	<b>27.10.2017</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>22.12.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Think Architecture Consultants Ltd</b>	<b>The Studio</b>	<b>12 Lightsfield Oakley RG23 7BL</b>
<b><u>Applicant:</u></b>	<b>Mr Mark Booth</b>	<b>Chiltern Manor Lodge</b>	<b>Chiltern Candover Alresford SO24 9TX</b>

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	3598.PL.001 (PROPOSED)		29 July 2016
Location and block plan	3568.EX.001 (EXISTING)		29 July 2016
Floor plans/elevations/sect proposed	3568.PL.100 (GFF)		29 July 2016
Floor Plans Proposed	3568.PL.101 (FF)		27 November 2016
Floor Plans Proposed	3568.PL.102 (SF)		27 November 2016
Sections Proposed	0429 PL02		27 October 2017
Elevations Proposed	0429 PL01		27 October 2017

2. The development hereby permitted shall be commenced before or on 03.08.2020.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted 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 CP12 of the Brighton and Hove City Plan Part One.
4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted 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 CP12 of the Brighton and Hove City Plan Part One.
5. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.
6. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.  
The CEMP shall include:
  - i) The phases of the Proposed Development including the forecasted completion date(s)
  - ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
  - iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
  - iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site

- v) Details of hours of construction including all associated vehicular movements
- vi) Details of the construction compound
- vii) A plan showing construction traffic routes
- viii) An audit of all waste generated during construction works
- ix) The construction shall be carried out in accordance with the approved CEMP.

**Reason:** As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

7. The dwellings hereby approved shall be completed in accordance with the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to the first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice or Initial Notice to enable building control body to check compliance.  
**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.
8. 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 CP8 of the Brighton & Hove City Plan Part One.
9. None of the residential units hereby approved shall be occupied until each residential unit has achieved a water efficiency standard using not more than 11litres 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 Brighton & Hove City Plan Part One.
10. The development hereby approved shall not be first occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. They shall be retained as approved and for that use thereafter.  
**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.
11. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) An intrusive site investigation report as per the recommendation contained within the Preliminary Ground Contamination Risk Assessment Report, Ashdown Site Investigation Ltd Report No. R16-11471/ds and dated June 2016.

And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then:

(b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

12. The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (11)b

that any remediation scheme required and approved under the provisions of condition (11)b has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation).

Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

a) Built drawings of the implemented scheme;

b) Photographs of the remediation works in progress;

c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all boundary treatments, including a gate to the rear pedestrian access from Bampffield Street, 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 deter crime and to comply with policy CP12 of the Brighton & Hove 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. The site is potentially contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.
3. The local planning authority has determined the application on the basis of the information made available to it.
4. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on the Environment Agency website.
5. The applicant should be aware that whilst the requisite planning permission may be granted, should any complaints be received both during construction and after completion with regards to noise, dust, odour or smoke, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990.
6. 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.
7. The water efficiency standard required 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.

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site relates to a corner plot on the junction of Bampffield Street and Buckler Street. The site comprises a part single and part two storey building which has been extended over a period of time to occupy the majority of the site with a small yard to the rear and an access alleyway running parallel to the western boundary, although much of the site has now been cleared. The pre-existing building was used as a mixture of retail (Class A1) with a shop forecourt to the front of the building for and a light industrial workshop (Class B1) over the rest of the site.

- 2.2 The site sits within a low point of Bampffield Street which rises to the east and west. The area is residential in character with a mixture of two and three storey terraced properties of mixed styles. The site backs onto the gardens of a number of residential units on Elm Road.
- 2.3 Permission was granted in August 2017 for the demolition of the existing building and the erection of a terrace of three two storey dwellings adjoined to a three storey block of two one bedroom flats and one studio flat.
- 2.4 The current application seeks to vary the original permission by way of increasing the ground floor height, removal of a parapet wall above the flats in addition to revisions to the elevations and finish.

### 3. RELEVANT HISTORY

**BH2016/02846** - Demolition of existing (sui generis) mixed use garden machinery shop, servicing and repairs including workshop with offices (A1 / B1) and erection of part two, part three storey building comprising of one studio flat, two 1no bedroom flats and three 2no bedroom houses including cycle store and associated works. Approved August 2017.

**BH2016/00595** - Certificate of Lawfulness for existing use of property as a Sui Generis mixed use of retail (A1) and light industrial (B1). Approved April 2016.

**3/86/0780** - Change of use to include garden machinery sales and servicing together with existing light engineering and alterations to front and side elevations. Approved November 1986.

**3/82/0707** - Front extension to factory workshop to display goods for sale. Approved December 1982.

**3/79/0683** - Change of use from light engineering and manufacture of thermometers into light engineering and lawn mower servicing. Approved November 1979.

### 4. REPRESENTATIONS

**Eight (8)** letters have been received, objecting to the proposed development for the following reasons:

- No cycle parking
- No refuse and recycling facilities
- No parking
- Disruption and inconvenience from building work
- Off street parking should be provided
- Overlooking / loss of privacy
- Loss of natural light
- Larger and taller than anything on the block
- Not in keeping
- Little opinion from local residents has been sought



- Restrict access for emergency vehicles
- Flats are not supported

## 5. CONSULTATIONS

5.1 **Environmental Health:** No Comment Received

5.2 **Planning Policy:** No Comment

5.3 **Sustainable Transport:** No Comment Received

## 6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development  
 CP1 Housing delivery  
 CP2 Sustainable economic development  
 CP3 Employment land  
 CP7 Infrastructure and developer contributions  
 CP8 Sustainable buildings  
 CP9 Sustainable transport  
 CP10 Biodiversity  
 CP11 Flood risk  
 CP12 Urban design  
 CP13 Public streets and spaces  
 CP14 Housing density  
 CP18 Healthy city  
 CP19 Housing mix

CP20 Affordable housing

Brighton & Hove Local Plan (retained policies March 2016):

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD5 Design - street frontages  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HO20 Retention of community facilities

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD14 Parking

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The original approved scheme was granted (BH2016/02846) in August 2017. The Local Planning Authority considered the scheme to be acceptable in all regards and secured various details and measures by planning conditions in addition to an affordable housing contribution via a legal agreement. Whilst this permission remains extant, it must be considered whether circumstances, policy or practice has changed significantly since the time this decision was taken.
- 8.2 In this case it is considered that the policy context has not changed substantially in regard to the principle of development, uses proposed and design issues. Overall it is considered that there is no justifiable reason to take a decision contrary to that made previously by the Local Planning Authority and therefore the principal of development is accepted.
- 8.3 **Proposed Variation of Condition 1**  
The application seeks changes to the approved drawings within the original application by way of substituting the elevations and sections in order to allow for amendments to the external design and the ground floor level.
- 8.4 The overall ground floor level would be increased by 150mm above ground floor level. The applicant has indicated that the raised floor level is proposed in order to facilitate drainage for the site. Whilst this would result in a loss of the level access to the front elevation of the dwellings the applicant will be providing an accessible entrance to the rear of the site accessed via the rear alleyway and rear garden gate to the garden to a level access. The Building Control Team have indicated that the rear access would be sufficient to satisfy Part M4(2) access requirements. The increase in floor height would not affect the height of the ridge height of the building.

- 8.5 The alterations to the elevations would be confined to the removal of the brick detail adjacent to the front doors of the flats and the installation of plain brickwork in its place, the installation of solar panels to the rear (western) roof slope of the terrace in addition to other minor detailing alterations including the position of fenestration and the installation of projecting rooflights to the rear infill section. The parapet wall above the block of flats would also be removed as part of the proposal. Overall the external alterations are considered minimal and would not have a significant detrimental impact to the external appearance of the building or the amenities of neighbouring properties. On this basis approval of the proposed variation of condition is recommended.

## **9. EQUALITIES**

- 9.1 None identified



# **ITEM M**

**The Excelsior, London Road, Brighton**

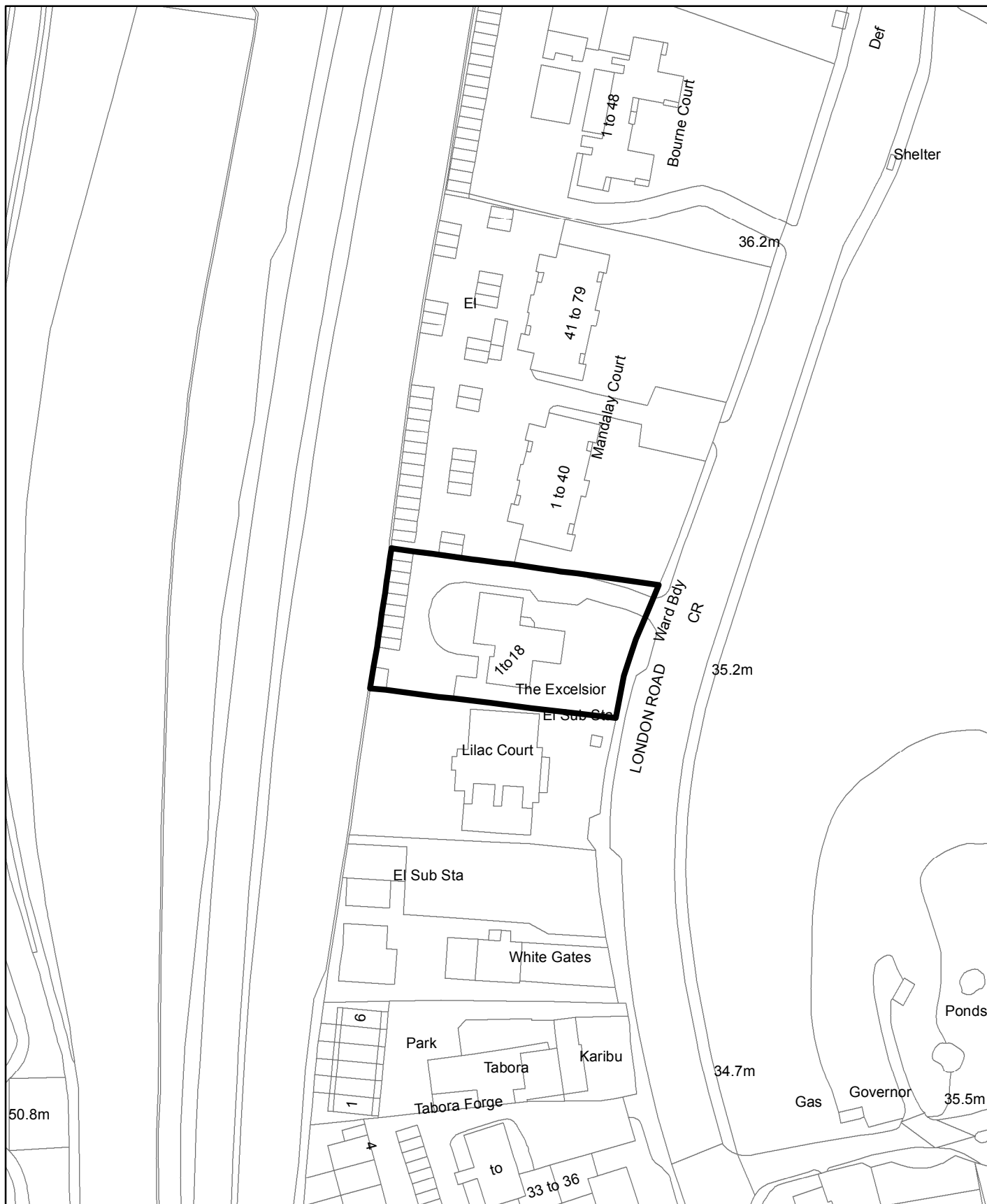
**BH2017/03021**

**Full planning**

**DATE OF COMMITTEE: 7<sup>th</sup> March 2018**



# BH2017/03021 The Excelsior, London Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**





<b><u>No:</u></b>	<b>BH2017/03021</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Excelsior London Road Patcham Brighton BN1 8QX</b>		
<b><u>Proposal:</u></b>	<b>Formation of additional storey comprising 2 flats &amp; the creation of 2 additional car parking spaces.</b>		
<b><u>Officer:</u></b>	Luke Austin, tel: 294495	<b><u>Valid Date:</u></b>	17.10.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	12.12.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Direct Planning Ltd 95-97 Riverbank House High Street St Mary Cray Orpington BR5 3NH		
<b><u>Applicant:</u></b>	Downside Developments Ltd C/O Direct Planning Ltd 95-97 Riverbank House High Street St Mary Cray Orpington BR5 3NH		

## 1. RECOMMENDATION

- 1.1 **GRANT** planning permission, subject to the following conditions and informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			25 September 2017
Site Layout Plan			8 February 2018
Elevations Proposed	PL 102		7 September 2017
Floor Plans Proposed	PL 100		7 September 2017
Streetscene elevation proposed	PL 106		7 September 2017

2. 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.
3. The residential unit hereby approved shall not be occupied until it 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 CP8 of the Brighton & Hove City Plan Part One.
4. The residential unit hereby approved shall not be occupied until it 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 Brighton & Hove City Plan Part One.

5. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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.

6. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

7. The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**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.

8. 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.

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 SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site relates to a six storey block of flats to the west of London Road opposite Withdean Park. The site is set within a group of five blocks of flats fronting onto London Road. The application building is finished in brick with

rendered brick strips above each storey and includes two projecting window bays to the eastern elevation.

- 2.2 Permission is sought for the erection of an additional storey to the block in order to facilitate two additional flats.

### 3. RELEVANT HISTORY

**BH2013/02535** - Creation of 9no additional car parking spaces. Approved 07.11.2013.

**BH2013/01601** - Creation of eleven additional car parking spaces. Refused 12.07.2013.

**BH2011/00370** - Application to extend time limit for implementation of previous approval BH2007/03309 for the formation of additional storey comprising 2no flats and the creation of 2no additional car parking spaces. Approved 09.08.2011.

**BH2007/03309** - Formation of additional storey comprising 2 flats & the creation of 2 additional car parking spaces. Approved 20.02.2008.

**BH2004/00109/RM** - Approval of Reserved Matters in respect of outline planning permission BH2000/02354/OA for the formation of additional storey comprising 2 no. flats and the creation of 2 no. additional car parking spaces. Refused 26.02.2004. Allowed on appeal.

**BH2000/02354/OA** - Formation of additional storey comprising 2no. flats, and creation of 2no. additional car parking spaces. Approved 07.12.2000.

**93/0509/OA** - An outline application for planning permission was refused for the formation of an additional storey comprising 2 flats and provision of 3 additional parking spaces. Refused 11.09.2001.

Various applications have been approved for the installation of replacement UPVC windows.

### 4. REPRESENTATIONS

- 4.1 **Eight (8)** letters have been received, **objecting** to the proposed development for the following reasons:

- Concerned that the block cannot withhold the weight of additional storey
- Concerns regarding the material finish and quality
- Concerns regarding lift and steps access during building works
- Impact of future maintenance
- Ingress of water
- Unfair for residents of the block to have to pay for future maintenance of a structure of inferior quality to the existing block

- Submitted plans do not accurately reflect parking arrangements and landscaping on site

4.2 **Two (2)** letters have been received providing the following comments in relation to the proposed development:

- The application is incorrect and should be submitted for 2 no. flats only.
- The 2 parking spaces are on site already.
- The landscaping is out of date
- No objection if specification carried out in conjunction with yourselves and qualified engineers

## 5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection

No objection subject to conditions securing cycle parking details.

## 6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7.1 POLICIES

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

CP18 Healthy city

CP19 Housing mix

Brighton & Hove Local Plan (retained policies March 2016):

TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance  
QD14 Extensions and alterations  
QD15 Landscape design  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking

**8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main issues in the determination of this application are the planning history of the site, the impact of the proposal upon the character and appearance of the area, amenity issues, transport and highways issues, sustainability and living accommodation standards.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 **Planning History and Principle of Development:**  
The application seeks consent for the erection of an additional storey to the block of flats in order to facilitate two addition flats.
- 8.4 Planning permission (BH2007/03309) was granted in February 2008 for a scheme identical to the development sought under this application. The permission was never implemented and an extension to the time limit (BH2011/00370) was granted in August 2011.
- 8.5 In principle development within additional stories is acceptable and there is a national general presumption in favour of sustainable development and the more efficient use of sites is supported within local development plan policies. As such, a residential redevelopment of the site would not be resisted in principle, but must be carefully assessed and considered in respect of the harm it may cause.
- 8.6 **Design and Appearance:**

The additional storey is considered acceptable in scale, height, materials, form, detailing and siting. The proposal would match the design and finish of the existing block with projecting bays brick slips and aligned fenestration with a replacement lift overrun above.

- 8.7 Furthermore, an additional height with an acceptable design is a more efficient and effective use of the site without compromising the concentration of the built form to the surrounding area. The block would be seen in the context of the adjacent blocks (Mandalay Court to the north and Lilac Court to the south) which are both approximately a storey higher. It is therefore considered that the block remains satisfactorily designed in relation to its surroundings.
- 8.8 The additional height of the extensions would be approximately 3.7m increasing the building to an approximate total height of 19.2m, with an additional 1.8m protrusion to accommodate the lift motor rooms.
- 8.9 **Standard of Accommodation for Future Occupiers:**  
The proposal includes two additional flats each of which would include a separate kitchen and living room, a bathroom and a separate WC. One flat would include three bedrooms and the second would include two bedrooms. Both flats would have a master bedroom with an en-suite bedroom. Both flats would be above national space standards and all bedrooms would qualify for doubles.
- 8.10 Overall the standard of accommodation including substantial living areas and bedrooms is considered more than satisfactory and would provide a positive standard of accommodation in accordance with policy QD27.
- 8.11 In regard to access standards, Government has advised that the Council can no longer secure Lifetime Homes Standards; the current standard in this regard is Building Regulations Optional Requirement M4 (2) (accessible and adaptable dwellings) and given that there is lift access within the blocks it is recommended that compliance with this standard be secured by planning condition to address the objectives of Policy HO13.
- 8.12 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.13 A number of objections have been raised in relation to ongoing disturbance of the building works in addition to possible structural implications, possible water ingress and concerns relating to the quality of the build. Whilst the quality of the build and structural implications are beyond the remit of planning consideration, the ongoing disturbance and disruption as a result of the works can form a material consideration.

- 8.14 Overall, whilst the works will be disruptive to existing occupiers in the block, the disruption of the works would be temporary and is unavoidable if permission is to be granted and control of such impacts is beyond the remit of planning control.
- 8.15 **Sustainable Transport:**  
The vehicle and pedestrian access from the adjacent London Road will be maintained as existing which is considered appropriate for the scale of development.
- 8.16 Recent works have been carried out to the parking layout, as approved under application BH2013/02535. These works includes two additional spaces allocated for the potential for an additional storey as proposed under this application. As these works have been implemented and are in accordance with SPD14 guidance, no objection is raised in this regard.
- 8.17 **Sustainability:**  
In regard to Sustainability, Government has advised that the Council can no longer require that development meets a Code for Sustainable Homes Standard and has introduced transitional optional standards for energy and water usage and it is recommended that these standards be secured by condition to address the requirements of Policy SU2.

## **9. EQUALITIES**

- 9.1 None identified





**Information on Pre-application Presentations and Requests 2018**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>	<b>Update</b>
06/02/18	Gala Bingo Site, Eastern Road, Brighton	Queen's Park	Residential-led mixed use redevelopment for c.400 homes set over c. 2,900sqm commercial and community uses	Drawing up PPA and a further round of pre-app is anticipated.
06/03/18 requested	Toad's Hole Valley, Hove	Hangleton & Knoll	Mixed use development comprising residential, neighbourhood centre, secondary school, B1 floorspace, SNCI enhancements, accesses from highway, landscaping and parking.	
06/03/18 requested	Preston Barracks (Watts site), Lewes Road, Brighton	Hollingdean & Stanmer	Reserved Matters for multi-storey car park and Business School	
06/03/18 requested	29-31 New Church Road, Hove	Westbourne	Mixed use development.	Initial scheme presented to members on 12/12/17.
03/04/18 requested	119-131 London Road (Co-op and Boots), Brighton	St Peter's & North Laine	Mixed use redevelopment to re- provide retail and student accommodation above.	
03/04/18 requested	Longley Industrial Estate, New England Street, Brighton	St Peter's & North Laine	Mixed use B1 and residential development.	
TBC	Land at Goldstone Street, Hove	Goldsmid	Erection of office building.	
TBC	Sackville Trading	Hove Park	Mixed residential and commercial	

**NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.**

	Estate, Sackville Road, Hove		development	
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**NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.**

**PLANNING COMMITTEE:**  
**7<sup>th</sup> March 2018**

**Agenda Item 112**

Brighton & Hove City Council

**NEW APPEALS RECEIVED**

**WARD**

**APPEALAPPNUMBER**

**ADDRESS**

**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**

**APPEAL RECEIVED DATE**

**APPLICATION DECISION LEVEL**

**HANGLETON AND KNOLL**

BH2017/02177

6 Lark Hill Hove BN3 8PB

Roof alterations incorporating hip to gable extension, rooflights to front and dormer to rear.

APPEAL IN PROGRESS

29/01/2018

Delegated

**WARD**

**APPEALAPPNUMBER**

**ADDRESS**

**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**

**APPEAL RECEIVED DATE**

**APPLICATION DECISION LEVEL**

**HANOVER AND ELM GROVE**

BH2017/01114

238 Elm Grove Brighton BN2 3DA

Demolition of existing garage & erection of a new 2 bedroom detached house over ground & lower ground floors.

APPEAL IN PROGRESS

06/02/2018

Not Assigned

**WARD**

**APPEALAPPNUMBER**

**ADDRESS**

**DEVELOPMENT DESCRIPTION**

**APPEAL STATUS**

**APPEAL RECEIVED DATE**

**APPLICATION DECISION LEVEL**

**HANOVER AND ELM GROVE**

BH2017/01786

6 Franklin Road Brighton BN2 3AD

Conversion of existing dwelling to create 1 no. 1 bedroom flat, 1 no. 2 bedroom flat & 1 no. 3 bedroom flat incorporating the erection of a single storey rear extension with associated alterations.

APPEAL IN PROGRESS

01/02/2018

Delegated

**WARD**

**APPEALAPPNUMBER**

**ADDRESS**

**DEVELOPMENT DESCRIPTION**

**MOULSECOOMB AND BEVENDEAN**

BH2017/01362

9 The Crescent Brighton BN2 4TB

Certificate of lawfulness for proposed loft conversion incorporating front and side rooflights and rear dormer.

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

APPEAL IN PROGRESS  
17/01/2018  
Delegated

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**WARD**

APPEALAPPNUMBER  
ADDRESS

**QUEEN'S PARK**

BH2017/01687  
11 Hereford Street Brighton BN2 1JT  
Conversion of house (C3) to form 1no  
two bedroom flat and 1no studio  
maisonette (C3) with erection of a  
single storey rear extension.  
(Retrospective)

DEVELOPMENT DESCRIPTION

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

WITHDRAWN APPEAL  
01/02/2018  
Delegated

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**WARD**

APPEALAPPNUMBER  
ADDRESS

**REGENCY**

BH2017/01990  
Marlborough House 54 Old Steine  
Brighton BN1 1NH  
Repainting of east facing elevation &  
window frames (retrospective).

DEVELOPMENT DESCRIPTION

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

APPEAL IN PROGRESS  
02/02/2018  
Delegated

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**WARD**

APPEALAPPNUMBER  
ADDRESS

**ROTTINGDEAN COASTAL**

BH2017/02240  
1 Abbotsbury Close Saltdean Brighton  
BN2 8SR  
Creation of terrace at first floor level to  
rear garden with steps from ground  
floor and associated alterations.

DEVELOPMENT DESCRIPTION

APPEAL STATUS  
APPEAL RECEIVED DATE  
APPLICATION DECISION LEVEL

APPEAL ALLOWED  
11/01/2018  
Delegated

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**WARD**

APPEALAPPNUMBER  
ADDRESS

**WESTBOURNE**

BH2017/01793  
First Floor Flat 74 Westbourne Street  
Hove BN3 5PH  
Installation of front and rear dormers  
with associated alterations.

DEVELOPMENT DESCRIPTION

APPEAL STATUS  
APPEAL RECEIVED DATE

APPEAL IN PROGRESS  
01/02/2018

# PLANNING COMMITTEE: 7<sup>th</sup> March 2018

Agenda Item 113

Brighton & Hove City Council



**Brighton & Hove  
City Council**

## INFORMATION ON HEARINGS / PUBLIC INQUIRIES

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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Planning Application no:	BH2016/05530
Description:	Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.
Decision:	
Type of Appeal	Public Inquiry against refusal
Date:	24.04.2018 at Council Chamber, Hove Town Hall.
Site Location:	Land South Of Ovingdean Road, Brighton



**APPEAL DECISIONS**

	<b>Page</b>
<p><b>A – 55 LAND ADJACENT, 55 ROTHERFIELD CRESCENT, BRIGHTON – PATCHAM</b></p> <p>Application BH2017/01735 – Appeal against refusal to grant planning permission for demolition of existing garage and construction of a 1 bedroom chalet bungalow.  <b>APPEAL DISMISSED</b> (delegated decision)</p>	<b>185</b>
<p><b>B – 11 NORTHEASE DRIVE, HOVE – HANGLETON &amp; KNOLL</b></p> <p>Application BH2017/02535 – Appeal against refusal to grant planning permission for formation of part basement to form “granny Annexe”. <b>APPEAL DISMISSED</b> (delegated decision)</p>	<b>189</b>
<p><b>C – LAND AT 23 RUGBY PLACE, BRIGHTON – EAST BRIGHTON</b></p> <p>Application BH2017/00796 – Appeal against refusal to grant planning permission and issue of an enforcement notice. <b>APPEAL DISMISSED AND ENFORCEMENT NOTICE UPHELD AS VARIED</b> (delegated decision)</p>	<b>191</b>
<p><b>D – REAR 40-44 WARREN ROOD, WOODINGDEAN, BRIGHTON – WODDINGDEAN</b></p> <p>Application BH2017/01675 – Appeal against refusal to grant planning permission for demolition of redundant storage building and construction of single storey dwelling. <b>APPEAL DISMISSED</b> (delegated decision)</p>	<b>199</b>
	<b>203</b>
<p><b>E – 9 OLD SHOREHAM ROAD, HOVE – HOVE PARK</b></p> <p>Application BH2017/01735 – Appeal against refusal to grant planning permission for proposed change of use from dwelling house (C3) to large HMO (sui generis). <b>APPEAL DISMISSED</b> (delegated decision)</p>	







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## Appeal Decision

Site visit made on 22 January 2018

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> January 2018.

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**Appeal Ref: APP/Q1445/W/17/3185420**

**Land adjacent to 55 Rotherfield Crescent, Brighton, East Sussex BN1 8FH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Martin Poore against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/01735, dated 17 May 2017, was refused by notice dated 13 July 2017.
  - The development proposed is demolition of existing garage and construction of a 1-bedroom chalet bungalow.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - a) the effects of the development on the character and appearance of the area;
  - b) whether or not the proposal would provide satisfactory living accommodation for future occupants.

### Reasons

3. The houses in Rotherfield Crescent are not identical in architectural style. Nevertheless, the street is predominantly characterised by pairs of semi-detached, two-storey dwellings with hipped roofs. The area has a spacious feel as a consequence of the surrounding topography, the gaps between the buildings and the manner in which the dwellings are set back from the street.
4. The appeal site is occupied by a double garage with a flat roof which sits alongside No 55 and is set back from its front elevation. The garage associated with the adjacent property, No 57, has been converted into living accommodation. Similar garages with flat roofs are a feature of other houses in the area and only appear untidy where they have not been adequately maintained.
5. No 55 is sited close to a corner of the street on a wedge-shaped plot. It has a wide frontage but the rear garden is much narrower. The appeal site has a frontage that is comparable in width to that of No 55, but it only extends as far back as the rear of the existing garage. The plot is therefore be considerably smaller than any others in the locality.

6. The dwelling, which it is proposed would replace the double garage, would occupy the full width of the plot and would include only a minimal amount of space at its rear. Its front elevation would project forward of the front elevation of No 55 and the converted garage at No 57. It would be unusual in that it would include two elevations at an obtuse angle to one another. Each associated roofslope would include a flat roof dormer window. The overall height of the dwelling would be less than that of No 55.
7. The proposal as a whole would be out of keeping with the proportions, shape, mass and distinctive features of the surrounding dwellings. As well as appearing to be squeezed onto this awkwardly-shaped small plot, it would be incompatible with No 55 and out of place alongside this adjacent two-storey dwelling. Rather than appearing subservient to the neighbouring buildings, its failure to relate effectively to the front elevations of the properties on either side would make it appear intrusive in the street scene. The dormer windows would introduce a new and alien feature in a street where dormers are not part of the front roof slopes. Added to this, the loss of the gap between the adjacent buildings at first floor level would be harmful, as these gaps make a significant contribution to the area's spacious appearance. The consequence of the inadequate space around the proposed dwelling would be a cramped and inappropriate form of development that would fail to compliment or improve the quality of the area.
8. I am mindful that the Council has granted permission for a dwelling adjacent to No 85 Rotherfield Crescent. However, from the limited details provided, this scheme involved a larger plot fronting Rotherfield Close. In that case the proposed dwelling would relate differently to the adjacent buildings and the surrounding street scene. It is therefore not directly comparable with the appeal proposal, which I have determined on its individual planning merits.
9. I conclude that the proposal would harm the character and appearance of the area, contrary to Policy CP14 of the Brighton & Hove City Plan: Part 1 (City Plan) which, amongst other things, requires development to be high quality design which respects, reinforces and contributes to a sense of place.

#### *Living conditions*

10. The proposed dwelling would have an open plan kitchen/dining/living area and bathroom on the ground floor. The bedroom would be within the roofspace and consequently only 4.3sq.m would have headroom of 1.5m or more. The Council has not adopted the Nationally Described Space Standards which require 7.5sq.m for a single room. However, the proposal would be significantly below this indicative minimum floor area suggesting it would be completely inadequate.
11. There would be a small, rear courtyard patio of 6sq.m. This would have limited outlook and feel very enclosed. In my view it would be unsatisfactory in terms of its quantity and quality to serve a small one-bedroom dwelling. Even if the area in front of the building was used to grow vegetables, it would not add significantly to the available private amenity space.
12. I therefore conclude that the proposal would provide unsatisfactory living conditions for future occupants, contrary to saved Policy QD27 and HO5 of the Brighton & Hove Local Plan. These policies, amongst other things, seek to protect the amenity of a development's future users.

## **Conclusions**

13. The Government is seeking to significantly boost the supply of housing and requires applications for housing to be considered in the context of the presumption in favour of sustainable development. The proposal would provide a small unit of accommodation for which there is an identified need and would do so without harm to the amenity of adjoining occupiers. The highway authority is satisfied that its requirements could be met through imposition of appropriate conditions. These factors weigh in the scheme's favour.
14. However, I have found that the proposal would conflict with the development plan as it would harm the character and appearance of the area and provide unsatisfactory living conditions for future occupants. The benefits associated with the provision of an additional dwelling do not amount to a material consideration that outweighs this conflict.
15. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR





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## Appeal Decision

Site visit made on 22 January 2018

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> January 2018.

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**Appeal Ref: APP/Q1445/W/17/3187406**

**11 Northease Drive, Hove BN3 8PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Wahid against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/02535, dated 25 July 2017, was refused by notice dated 14 September 2017.
  - The development proposed is formation of part basement to form 'granny annexe'.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether or not the basement would be an acceptable form of accommodation that would be ancillary to the main dwelling.

### Reasons

3. No 11 is a good-sized, two-storey, detached dwelling sited on the corner of Northease Drive with Applesham Avenue and Lark Hill. It is in a prominent position in the street scape as it sits above the level of the road and is enclosed by a brick wall topped with a low fence. The area to the rear and side of the house is entirely hard surfaced and there is an existing gate in the side wall that provides pedestrian access to Lark Hill via a set of steps. At the time of my site visit these steps did not appear to be in use.
4. The proposal seeks to excavate the area to the side of the house and beneath the west facing rooms to provide a basement. This would enable the provision of self-contained accommodation comprising a kitchen/living area, a bedroom and en-suite bathroom. The existing patio area on this side of the house would be lowered in order to provide the basement with its own front entrance, a small hallway and an area in which to sit outside. This area would be linked to the side gate via a stepped walkway.
5. The appellant states that the purpose of constructing the annexe is to provide accommodation for his mother. However, in order for an annexe to be considered ancillary to the residential use of the main dwelling, it is necessary to demonstrate that there would be either a physical or functional link between the two elements of the building. The scheme does not include any physical link between the basement and the rest of the house, such as a staircase or a shared front door.

6. Furthermore, there was no substantive evidence to demonstrate that the appellant's mother would have any degree of dependence either on facilities within the house or other practical support from the rest of the family. In the absence of any functional link I am therefore not persuaded that the basement would be an integral element of the existing house, or would only be occupied by a member of the family, either in the short or long term.
7. Whilst the garden area might be shared, the inclusion of a new front entrance and pathway to the side gate only serve to emphasise the separate nature of the accommodation as a whole. Even if the utility bills remained the responsibility of the main house, that would not prevent the basement being rented out and occupied separately and independently.
8. It therefore seems to me that the accommodation could be used either as an annexe or a separate dwelling. However, in these circumstances a condition requiring the use to be ancillary to that of the main dwelling would be difficult for the Council to enforce. It would therefore fail to meet the tests for conditions set out in paragraph 206 of the National Planning Policy Framework.
9. As the annexe would be capable of being occupied independently, there is a significant probability that the proposal would lead to the creation of a new planning unit in the future. It is therefore necessary for me to consider whether or not the accommodation would provide satisfactory living conditions for future occupants as a self-contained basement flat.
10. Although the Council has not adopted the Nationally Described Space Standards, these provide a good indication of the minimum floor areas that are necessary to provide satisfactory living conditions for future occupants. These standards require a minimum of 39sq.m for a one-person unit and 50sq.m for a two-person unit. The floor area of the basement would be 42.5sq.m, which would be adequate for a single person. However, I concur with the Council that restricting occupancy in this way would not be practical or enforceable through the imposition of planning conditions. The basement would be inadequate in terms of both internal and external space as a home for two people.
11. Taking all these factors into account, I conclude that the proposal would not be an acceptable form of accommodation that would be ancillary to the main dwelling. It would conflict with the advice set out in the Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12) which requires attached 'granny' annexes to retain a clear dependency on the main dwelling at all times. It would also be contrary to saved Policies QD14, QD27 and HO5 of the Brighton & Hove Local Plan, which seek to provide a good standard of amenity for all future users of development.
12. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR



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## Appeal Decision

Site visit made on 28 November 2017

**by Paul Freer BA (Hons) LLM PhD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 January 2018**

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**Appeal Ref: APP/Q1445/C/17/3174796**

**Land at 23 Rugby Place, Brighton BN2 5JB**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr John Stevenson against an enforcement notice issued by Brighton & Hove City Council.
  - The enforcement notice was issued on 23 March 2017.
  - The breach of planning control as alleged in the notice is, without planning permission, the construction of a dormer extension to the maisonette at the Land.
  - The requirements of the notice are:
    - i. Completely remove the rear dormer and return/reinstate the rear roof slope to match the properties either side at Nos 21 and 25 Ruby Place.
    - ii. Reinstate the soil vent pipe in accordance with plan approved on appeal (APP/Q1445/A/08/2083968 and BH2008/01394) and referenced Proposed Rear Elevation and Section AA dated 19.02.2008, and as attached to the notice.
  - The period for compliance with the requirements is 6 months.
  - The appeal is proceeding on the grounds set out in section 174(2) (a), (c), (f) and (g) of the Town and Country Planning Act 1990 as amended.
- 

**Summary Decision: the appeal is dismissed and the enforcement notice is upheld as varied**

### Procedural Matters

1. The appellant suggests that the dormer now subject to the enforcement notice was constructed when the property was still a dwellinghouse and therefore constitutes permitted development. In the alternative, it is suggested that the dormer extension was expressly granted planning permission as part of the conversion of the dwelling into one one-bedroom flat and one three bed maisonette granted on appeal in January 2009 (APP/Q1445/A/08/2083968). In my view, both of these arguments constitute an appeal on ground (c): namely, that in respect of any breach of planning control that may be constituted by the matters stated in the notice, those matters do not constitute a breach of planning control.
2. In submitting the appeal, the appellant did not make an appeal on ground (c). Nevertheless, it seems to me that the above arguments should both properly be considered under that ground of appeal. In that context, whilst not specifically addressing an appeal on ground (c), the Council has nonetheless commented on the arguments advanced by the appellant. The Council has also provided all the necessary background documents with of the completed Questionnaire. I shall therefore consider the arguments advanced by the appellant as if there were submitted in the context of an appeal on ground (c). I am satisfied that no party would be caused injustice by doing so.

3. The requirement at paragraph 5(ii) of the notice is to reinstate the soil vent pipe in accordance with plan approved on appeal (APP/Q1445/A/08/2083968 and BH2008/01394) and referenced Proposed Rear Elevation and Section AA dated 19.02.2008. However, the re-positioning of the soil vent pipe is not identified or included in the breach of planning control alleged at paragraph 3 of the notice. It is important that an enforcement notice is internally consistent, and the inclusion of a requirement to remove the soil pipe is not consistent with the breach of planning control alleged in the notice. I therefore consider that the requirement at paragraph 5(ii) of the notice should be deleted. I am satisfied that no injustice would be caused by varying the notice in this way.

### **The appeal on ground (c)**

4. The appellant's grounds of appeal suggest that the dormer extension now subject to the enforcement notice was constructed as permitted development before the property was converted into flats. I understand that the conversion of the property into flats took place in or around 2013, albeit preparation work on the construction of the dormer may have commenced as early as 2005 or 2006.
5. In 2013, the version of the General Permitted Development Order then in force was the Town and Country Planning (General Permitted Development) Order 1995 (as amended) ('1995 GPDO'). Under that Order, the enlargement of a dwellinghouse consisting of an addition or alteration to its roof is permitted by Article 3, Schedule 2, Part 1, Class B subject to the condition at Class B.2(a) that the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
6. I noted during my site visit that the external surface of the dormer extension is finished in white-coloured uPVC boarding that contrasts markedly with the exterior of the existing dwellinghouse, including the materials used in the construction of the remainder of the roof. The materials used in the any exterior work to the dormer extension are therefore not of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, such that the dormer extension does not accord with the condition at Class B.2(a). For this reason alone, the dormer extension cannot constitute permitted development under the 1995 GPDO.
7. The appellant also advances the argument that the dormer extension was expressly granted planning permission as part of the conversion of the dwelling into one one-bedroom flat and one three bed maisonette granted by the above appeal (APP/Q1445/A/08/2083968). In this respect, I note that both the 'existing' and 'proposed' plans submitted with the appeal show a dormer extension in situ.
8. However, this does not necessarily mean that the appeal granted planning permission for that dormer. To begin with, the dormer shown on those plans is clearly not that now existing and subject to the enforcement notice: in particular, I note that disposition of the windows is different and there is no Juliet balcony shown. Moreover, this is not assisted by a discrepancy within the application drawings between the floor plans and the elevation, in which the positioning of the window openings is shown differently. On that basis, the permission granted on appeal could not have granted planning permission for the dormer as now existing.



9. Furthermore, I am not entirely convinced that the terms on which planning permission was granted on appeal encompass the dormer extension. The description of development set out in the banner heading to the Decision, usually taken from description of development on the planning application form, is clearly defined as 'the conversion of the dwelling into one one-bedroom flat and one three bed maisonette'. This is repeated at paragraph 1 of the Decision, which sets out the development for which planning permission is granted. There is no mention in the banner heading or the description of development of operational development in the form of the construction of the dormer extension.
10. The next question to ask, then, is whether any conditions imposed upon the planning permission required or permitted the construction of the dormer extension now subject to the enforcement notice. There were three conditions imposed upon the planning permission: 1) the standard time period for commencement condition; 2) a condition requiring refuse, recycling and cycle parking to be provided and; 3) a condition requiring the submission of a waste management statement. None of these conditions may reasonably be read or inferred to require the construction of the dormer extension shown on the application drawings.
11. The basic principle is that a planning permission should stand by itself and that the meaning should be clear within the four corners of the document. In this case, the description of development is clear but does not include the dormer extension. The application plans are less clear but, for the reasons stated above, they cannot in any event reasonably be interpreted to show the dormer extension as now constructed. None of the conditions imposed on the permission requires or permits the construction of the dormer extension. I therefore consider that there is nothing in the planning permission granted on appeal that expressly grants planning permission for the dormer extension as now constructed.
12. In summary, for the reasons set out above the dormer extension as constructed cannot constitute permitted development and I am not convinced that the dormer extension was granted planning permission by the appeal ref: APP/Q1445/A/08/2083968. The appellant has not discharged the burden of proof that falls upon him on this ground of appeal and, on the balance of probability, I conclude that the construction of the dormer extension alleged in the enforcement notice does constitute a breach of planning control.
13. Accordingly, the appeal on ground (c) fails.

**The appeal on ground (a) and the deemed planning application**

14. The ground of appeal is that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted. The Council has stated two substantive reasons for issuing the enforcement notice, from which the following main issues are raised:
  - the effect of the dormer extension on the scale, character and detailing of the existing property, and
  - the effect of the dormer extension on the living conditions of the occupiers of neighbouring residents, specifically in relation to privacy.

*Scale, character and detailing of the existing property*

15. In considering this issue, it is firstly important to note that the reason for issuing the notice is quite specific and narrowly defined. The reason refers solely to the effect of the dormer extension on the scale, character and detailing of the *existing property* (my emphasis). It does not refer to the effect of the dormer extension on the character or appearance of the surrounding area. The corollary is that my consideration must focus solely on the effect of the dormer extension on the scale, character and detailing of the existing property. It further follows that the effect of the dormer extension on the character and appearance of the wider area, including references to dormer extensions to other properties in that surrounding area, cannot form part of my consideration of this main issue.
16. The appeal property forms part of lengthy terrace of houses on the west side of Rugby Terrace. When viewed from Rugby Place, the original design of these houses may be described as being two-storey with basement. However, from the rear, the properties appear as a full three storeys. Nevertheless, primarily as a result of their relatively narrow width, these terraced houses are modest in scale.
17. The dormer extension subject to the enforcement notice occupies practically the full width of the roof slope, is full height and extends practically to the eaves. The substantial overhang contributes to the overall impression of bulk. The dormer extension therefore appears as a bulky addition to the original form of the building and gives the appearance of an extra storey on top of the building, thereby fundamentally changing the overall scale of the building when viewed from the rear. Consequently, when viewed in relation to overall modest proportions of the existing property, the dormer extension is out of scale with those proportions.
18. As originally constructed, the front elevation of these houses was well articulated and detailed, with a full-height bay feature and a recessed entrance accessed via a flight of steps. By comparison, the rear elevations are relatively plain and do not exhibit the same level of detail and articulation as the front elevations.
19. The dormer extension is, in some respects, well detailed with folding doors behind balcony screen constructed of obscured glazing. However, the uPVC cladding is completely alien in its appearance and is incongruous in the context of the external finish of the rear elevation. I am mindful that the rear elevation displays little of the detail and articulation as the front elevation. Nevertheless, by reason of the materials used in the construction of the external surfaces, the dormer extension is harmful to detailing of the existing property.
20. The character of the existing property is overtly residential. The dormer extension exhibits features that are consistent with that residential character, including the folding doors and the balcony. I am therefore satisfied that the dormer extension does not harm or detract from the residential character of the existing property.
21. Notwithstanding the absence of any harm to the residential character of the existing property, I conclude that, by reason of its bulk and external finish, the dormer extension does not respect the scale or detailing of the existing property. I therefore conclude that the dormer extension conflicts with Policy

QD14 of the Brighton and Hove Local Plan 2005 which states, amongst other things, that planning permission for extensions to existing buildings, including the formation of rooms in the roof, will only be granted if the development is well designed, sited and detailed in relation to the property to be extended. The dormer extension also fails to accord with the Council's Supplementary Design Document SPD12 *Design Guide for extensions and alterations*, which indicates that box dormers constructed using the full width and/or height of the roof are an inappropriate design solution and will not be permitted as they give the appearance of an extra storey on top of the building.

*Living conditions*

22. The terrace of which the appeal property forms a part runs parallel with a terrace of residential properties that front onto Bennett Road. The rear elevations of the properties in Rugby Place therefore face directly onto the rear elevations and rear gardens of the houses fronting onto Bennett Road. The separation distance between the two terraces is relatively short, such that there is already a degree of mutual overlooking of habitable rooms and garden spaces between houses in these terraces. There is similarly a degree of mutual overlooking between adjoining properties in the same terrace and, in some cases, also from blocks of flats that adjoin Rugby Place. I have taken this mutual overlooking into account in considering this issue.
23. As part of my site inspection, I was able to view the properties that front onto Bennett Road from within the room created by the dormer extension. When standing in the middle of that room, only the roofs of the properties opposite are visible. Accordingly, in the course of the normal use of that room, there is not a significant degree of overlooking of those properties. This is clearly demonstrated by the diagram contained within the appellant's Appeal Statement, which depicts the line of sight from a position of some 1.5 metres inside the room, taking into account that the Juliet balcony screen effectively serves as a solid barrier.
24. That situation changes significantly when stood at the glazed folding doors and even more so when the folding doors are opened. From that position, it is possible to look directly into the windows serving habitable rooms in the houses facing onto Bennett Road. Moreover, clear views are afforded into the rear gardens of those properties. Although a degree of mutual overlooking is inevitable in this type of residential environment, this degree of overlooking possible from the folding doors (whether open or closed) goes beyond that which may normally be considered acceptable. The result is a significant and unacceptable loss of privacy to the occupiers of those properties. Although constructed of obscure glass and therefore does not allow views through it, the Juliet balcony screen is only 1.1 metres in height and consequently does not prevent unrestricted views over it when standing close to the folding doors.
25. As a comparison, I was able to view the properties that front onto Bennett Road from the window on the first floor, immediately below the dormer extension. There were some similarities in terms of the potential to overlook the properties fronting onto Bennett Road but there were also some subtle yet nonetheless important differences. In particular, at first floor level, the views towards the properties in Bennett Road were subject to more interference by vegetation, and this both filtered and reduced the views into the habitable rooms and garden areas. However, the greatest single difference was that the

increased elevation of the dormer extension opened views into far more of the garden space of the properties fronting onto Bennett Road. The increased overlooking and subsequently loss of privacy that result significantly reduces the amenity value of those spaces. Having regard to these differences, I consider that the overlooking that is undoubtedly possible from first floor level does not justify the greater opportunities that are possible from the dormer extension.

26. I conclude that the dormer extension has an unacceptable effect on the living conditions of the occupiers of neighbouring residents, specifically in relation to their privacy. I therefore conclude that the dormer extension conflicts with Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005. These policies state, amongst other things, that planning permission for extensions to existing buildings, including the formation of rooms in the roof, will only be granted if the development would not result in a loss of privacy or amenity to neighbouring properties. The dormer extension also fails to accord with the Council's Supplementary Design Document SPD12 *Design Guide for extensions and alterations*, which indicates that balconies held within dormers will generally not be permitted if they overlook neighbouring properties.

*Other Considerations*

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates 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 in accordance with the plan unless material considerations indicate otherwise. I have found that the dormer extension fails to accord with the development plan. It is therefore necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.
28. The appellant has described the circumstances that led to the construction of the dormer extension, including the delays to the project as a result of illnesses suffered by himself and his family. The appellant has also set out his concerns regarding the approach and conduct of the Council in relation to the alleged breach of planning control. Nevertheless, although I have no reason to doubt that the appellant's intention was always to comply with planning legislation, I have found that a breach of planning control has occurred. Therefore, I must and have dealt with the appeal on ground (a) having regard to the development and any other material considerations, including the points made by the appellant referred to above. However, having taken those points into account, I do not consider that they outweigh the conflict with the development plan that I identified above.
29. The appellant has suggested that the existing dormer could be amended to address the concerns raised by the Council in issuing the notice, and that planning permission could be granted subject to appropriate conditions. To my mind, that is a point that more properly falls to be considered in the context of the appeal on ground (f) and I return to it below.

*Conclusion on the ground (a) appeal and the deemed planning application*

30. Having regard to the above, I find that the dormer extension is contrary to policies in the development plan and that there are no material considerations of sufficient weight to indicate that the deemed planning application should be

determined otherwise than in accordance with it. I therefore conclude that planning permission ought not to be granted.

31. Accordingly, the appeal on ground (a) fails and the deemed planning application will not be granted.

**The appeal on ground (f)**

32. The appeal on ground (f) is that the requirements of the notice exceed what is necessary. When an appeal is made on ground (f), it is essential to understand the purpose of the notice. Section 173(4) of the Town and Country Planning Act 1990 sets out the purposes which an enforcement notice may seek to achieve, either wholly or in part. These purposes are, in summary, (a) the remedying of the breach of planning control by discontinuing any use of the land or by restoring the land to its condition before the breach took place or (b) remedying any injury to amenity which has been caused by the breach. In this case, the requirements of notice include the complete remove the rear dormer and return/reinstate the rear roof slope to match the properties either side at Nos 21 and 25 Ruby Place. The primary purpose of the notice must therefore be to remedy the breach of planning control.
33. The amendments proposed by the appellant are in two parts: the replacement of the uPVC cladding with tiles to match other dormers in the vicinity, and to fit obscured glazing in the two outermost sections of the bi-fold doors. The appellant considers that these two amendments would overcome the planning difficulties, and could be controlled by the imposition of suitably worded conditions.
34. The replacement of the uPVC cladding with tiles to match other dormers in the vicinity would, I accept, improve the appearance of the structure and would go some way to overcoming the conflict with the detailing of the existing property. However, the application of tiles would do nothing to reduce the scale of the dormer. Consequently, the replacement of the uPVC cladding with tiles would not prevent the dormer extension from giving the appearance of an extra storey on top of the building, and thereby fundamentally changing the overall scale of the building when viewed from the rear.
35. During my site visit, with the assistance of the appellant, the fitting of obscured glazing in the two outermost sections of the bi-fold doors was simulated by covering the outer sections with curtains. This effectively re-created the reduced field of vision from within the room. However, as described above and demonstrated by the diagram contained within the appellant's Appeal Statement, when standing in the middle of that room, only the roofs of the properties opposite are visible in any event. It is only when standing close to the bi-fold doors that the significant overlooking of neighbouring properties becomes possible and unacceptable. It follows that fitting the two outermost sections of the bi-fold doors with obscured glazing would have no effect when standing close to those doors, including when the doors are open.
36. I recognise that the Council has indicated that the harm caused by the current dormer could be reduced if these amendments were made, together with the installation of a gutter between the first and second floor. However, I note the use of the term 'reduced' and that the Council stops short of suggesting that the harm would be completely overcome or that the dormer would then would become acceptable. I concur with that position.

37. I therefore consider that neither of the amendments put forward by the appellant would overcome the planning difficulties identified in the notice. I have considered whether there are any other suitable alternatives to the complete removal of the dormer extension which would overcome the planning difficulties with less cost or disruption to the appellant, but none are obvious to me.
38. I therefore conclude that the requirements of the notice are not excessive. Accordingly, the appeal on ground (f) fails.

**The appeal on ground (g)**

39. The ground of appeal is that the period for compliance specified in the notice falls short of what should reasonably be allowed. The period for compliance specified in the notice is six months.
40. The essence of the appellant's appeal on this ground is that works to remove the dormer would involve significant disruption, and are likely to take longer than six months to arrange and complete. A period of compliance of twelve months is considered more reasonable, and this is the period sought.
41. As a generalisation, I can accept that works to remove the dormer extension would involve significant disruption partly, I acknowledge, due to the modest size of the host property. However, I have been provided with no evidence to support the appellant's contention that twelve months would be required to complete these works. For example, I have been provided with no technical assessment by a suitably qualified person of the work required or a detailed timetable for undertaking those works. It also appears to me that the requirements of the notice are not especially complex or technical, such that they would require a specialist contractor to carry them out. Neither have I been provided with evidence to show that suitably qualified builders have been found and approached but are unable to carry out the work within the required timescale. I am therefore not persuaded that the appellant's concerns about being unable to complete the works in the stipulated timescale are sufficient to justify an extension to the period of compliance specified in the notice.
42. Accordingly, the appeal on ground (g) fails.

**Conclusion**

43. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice as varied and refuse the grant planning permission on the deemed planning application.

**Formal Decision**

44. It is directed that the notice be varied by deleting the requirement at paragraph 5. (ii) of the notice
45. Subject to that variation, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Paul Freer*

INSPECTOR



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## Appeal Decision

Site visit made on 15 January 2018

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29<sup>th</sup> January 2018

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**Appeal Ref: APP/Q1445/W/17/3186270**

**Rear of 40 - 44 Warren Road, Brighton BN2 6BA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Sinclair of SBS Building Services Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH20017/01675, dated 17 May 2017, was refused by notice dated 8 September 2017.
  - The development proposed is the demolition of redundant storage building and construction of a single storey dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on:
  - (a) The living conditions of future and existing occupiers; and
  - (b) The character and appearance of the host properties and the area.

### Reasons

3. The appeal site is located behind a building within a local shopping parade that comprises two commercial premises at ground floor and a flat above. The proposal is to demolish the existing storage building at the rear of the properties and construct a single-storey dwelling.

#### *Living conditions*

4. The proposed dwelling would accord with the Government's 'Nationally Described Space Standards' for a single bedroom dwelling. Nonetheless, the internal layout offers little in the way of storage facilities. The main entrance to the unit would lead directly into the bedroom. In addition, the high level windows relating to the bedroom area, whilst providing light, would not provide this living space with a natural outlook. Furthermore, the existing road frontage development, being orientated to the south of the proposed dwelling, would cast a shadow at the rear over a significant portion of the day. As such, this would shade the westerly facing windows and courtyard of the proposed dwelling. Additionally, outlook from the main living space would be toward the tall boundary fence positioned in close proximity to the windows and French

- doors. This tall fence would be extremely dominant in outlook from this habitable living area.
5. Taken collectively, these factors, in my judgement, would create a gloomy and oppressive living environment for future occupiers with extremely limited outlook. Despite the high ceiling relating to the bedroom area, it would also create a poor habitable living space due to its constrained layout. The appellant argues that the internal layout could be reconfigured to overcome the Council's concerns. However, I have not been provided with any alternative details that might persuade me that a satisfactorily internal layout could be achieved within the proposed building.
  6. The Council is concerned that outlook from the flat above the commercial premises (No 40 Warren Road) would allow observation toward the courtyard, rooflight and windows within the staggered roof and create views into the bedroom area and the bathroom of the proposed dwelling. The Council in its third reason for refusal has also raised concerns regarding the privacy of the occupants of No 40 Warren Road, though this matter has not been clearly discussed in the Officer's report. Whilst it would be possible that overlooking could take place from time-to-time, such observation, in my opinion, would need to be actively sought. I do not consider this would be a regular occurrence arising from the normal day-to-day use of the existing flat or proposed dwelling such as would create excessive harm.
  7. In addition, the Council is concerned that outlook toward the large expanse of flat roof of the proposed dwelling would create a poor outlook for the existing occupiers of No 40 Warren Road. The proposed dwelling would be single-storey. I consider the proposed roof would be positioned sufficiently below the rear windows of the existing first floor flat to prevent significant harm to the outlook of existing occupiers.
  8. The proposal would also involve the blocking up of a large window serving the existing kitchen of No 44 Warren Road. However, the scheme also proposes to create a new side window associated with a reconfigured kitchen for No 44 Warren Road. This would ensure the kitchen relating to this property would be served by adequate outlook and light.
  9. Whilst I conclude that the proposed development would not harm the living conditions of existing occupiers, for those reasons set out above, I conclude that the proposed development would be harmful to the living conditions of the future occupiers of the proposed dwelling. The proposed development would therefore be contrary to Policy QD27 of the Brighton and Hove Local Plan that, amongst other matters, seeks to protect the amenity of occupiers.

#### *Character and appearance*

10. The existing flat roofed structure is visible from the alleyway to the west despite some existing vegetation growth around this building. It is also visible in limited views from Warren Road to the east side of the existing frontage development. I observed that this existing structure is stepped away from the northern boundary of the site and has separation between it and the existing road frontage development. Overall, it is a smaller building than that proposed, although it does currently occupy a significant proportion of the space to the rear of the site.



11. Although the proposed development would create a development of a larger footprint and overall size to that of the existing storage building, it would not have a significantly greater height. Furthermore, the proposed development would have an increased setback from the alleyway to the west than that of the existing storage building. This would retain an element of space at the rear of the site. I do not consider that the proposal would appear as an overly bulky or constrained addition, despite its increased overall size relative to the size of the site.
12. In addition, the proposed western boundary fence would be a tall structure and have a raised position to that of the alley due to the elevated land level at the rear of the appeal site. Nonetheless, the existing storage building is positioned close to the alleyway. I do not consider the proposed dwelling or the new boundary enclosure would have a significantly more dominating impact in public views from the alleyway or be unduly visually intrusive when compared to that of the existing store building.
13. I accept the development would appear larger than the existing structure when viewed from Warren Road to the east side of the existing road frontage development. However, the increase in overall size would be modest. I do not consider the proposal would appear unduly prominent or intrusive in the view along the access passageway and between existing road frontage developments.
14. The Council argues that the flat roofs of the proposed development would appear contrived and not reflect that of the pitched roof of the host development. However, in this respect, the proposed dwelling, despite the staggered roof design, would not be significantly different to that of the existing storage building at the site.
15. The Council also contend that the development would not be appropriately subservient and would not appear as either a single or a two-storey extension. The dwelling would be constructed in brick that would match the majority of the host frontage building. Its roof would be positioned below the windows of the first floor flat. I consider, the proposal would appear as an extension to the host properties, much in the same way as other extensions to properties appear. Furthermore, given its overall height in relation to the host building it would appear as a single-storey extension to this building.
16. Whilst the proposed northern and eastern elevations are of plain design, as they would be situated adjacent to the boundaries of the site these elevations would not be readily visible in public views.
17. Overall, I conclude that the proposed development would not harm the character and appearance of the host properties or the area. For the reasons given, the proposed development would not materially conflict with Policy QD5 of the Brighton & Hove Local Plan and Policies CP12 and CP14 of the Brighton and Hove City Plan Part One that, amongst other matters, require development to respect the character of the neighbourhood.

### **Other Matters**

18. I accept that the proposed development is considered acceptable to the Council in respect of highway matters, landscaping and other matters. I also note that the proposal would provide an additional studio flat within the Brighton area

and meet a housing demand. However, these matters do not outweigh the harm that I have identified above or justify the proposed development.

### **Conclusion**

19. A number of nearby residents raise a number of other concerns about the proposal but in view of my conclusions on the first main issue there is no need for me to address these in the current decision.
20. Whilst I have found in favour of the appellant in terms of character and appearance this does not overcome the identified harm in relation to living conditions. For the reasons given above, and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR

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## Appeal Decision

Site visit made on 15 January 2018

**by Nicola Davies BA DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30<sup>th</sup> January 2018**

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**Appeal Ref: APP/Q1445/W/17/3179993**  
**9 Shoreham Road, Brighton BN1 5DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Sir John Wigram against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/05641, dated 11 October 2016, was refused by notice dated 23 May 2017.
  - The development proposed is the change of use from dwelling house (C3) to large HMO (sui generis).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. My site visit included an inspection of the interior of the property and its rear yard. It was clear that the property is already in use as a HMO (House in Multiple Occupation) providing seven bedrooms. The application seeks to retain this use, which is classed as sui generis due to the number of persons occupying the property.

### Main Issues

3. The main issues raised in respect of the appeal are: -
  - (a) Whether or not the HMO provides satisfactory living conditions for its occupants;
  - (b) Whether the continued use of the appeal property as an HMO supports the objectives of creating a mixed and balanced community; and
  - (c) The effect of the conversion on the living conditions of occupants of the immediately adjoining properties in relation to noise and disturbance.

### Reasons

4. The appeal site is a mid-terraced, two-storey property with basement accommodation and an extended loft area and has seven bedrooms. The property is located in an area comprising a mix of family dwelling houses and HMOs. It is situated within walking distance of local shops and food outlets and in a location where there is a convenient bus service to the universities.

### *Accommodation standards*

5. Accommodation is over four floors. The basement has a living/dining room and bedroom. The ground floor comprises a kitchen and two bedrooms. The first floor has two bedrooms and two bathrooms and there are two further bedrooms within the second floor extended roof space.
6. The kitchen, although long, is extremely narrow. It hosts two hobs, ovens, sinks/drainers, fridge freezers and a bar bench style seating/eating area for two persons. In my view it could not be used effectively by more than four occupants at any one time. Whilst there are cupboards and work surfaces, overall the usable floorspace is restricted by the extremely narrow nature of the kitchen. This communal kitchen space is inadequate to serve the needs of seven individuals, although I accept it is unlikely that all seven individuals would use the kitchen at the same time.
7. The shared living/dining room in the basement has one window that is served by a small pavement lightwell that provides a narrow strip of outlook at the top of the window over the public pavement. This room therefore has extremely limited outlook and feels very dark and enclosed, particularly as the window faces north and there is therefore no access to direct sunlight. This shared living space is gloomy and the window does not provide the room with sufficient light and outlook. Occupants would be reliant on artificial light at all times to enable them to undertake day-to-day activities. I have no doubt that the lack of light and outlook would discourage use of this communal room.
8. Further to the above, I saw that this living/dining room contained a dining table surrounded by six chairs and two sofas and an armchair. Indeed to accommodate the sofas, armchair and circulation space, the dining table had been pushed against a wall. Whilst there would be seating for seven persons within this room, the overall size of the room would not readily provide sufficient room for all seven occupants to sit in it at the same time. Although it could accommodate a smaller group, this communal living space is limited and would not provide a comfortable living space even for a smaller group. I consider it is likely that occupants would spend a lot of time in their own rooms.
9. In addition, the shared living/dining room's separation from the kitchen compounds my concerns in respect of the limitations of the accommodation. To use it would involve taking food and crockery up and down a flight of stairs. The basement living space is not, in my opinion, a convenient or an attractive place in which to eat meals.
10. I turn to the concerns of the accommodation provided in the two bedrooms in the roof space on the top floor. I observed that the rear (southerly) bedroom comprises a reasonable sized space with scope for a bed and other furniture. In contrast, the floor space relating to the front (northerly) bedroom is constrained by the roof slope that dominates this room. Although this room hosts a wardrobe and a desk, the bed occupies almost half of the floorspace within this room. The circulation and usable space is extremely cramped and standing head height is almost fully compromised by the low height of the sloping roof. I do not consider this room achieves an acceptable standard of bedroom accommodation.

11. The appellant has referred me to several appeal decisions<sup>1</sup> in which the Inspectors considered the Council's Housing HMO licensing regime to set a parallel control relating to standards of accommodation. In those other cases highlighted by the appellant I have not been provided with the full circumstances relating to those cases such as to enable me to judge whether they are directly comparable to this case. In any event, this development is a different proposal and therefore can and should be considered on its own merits.
12. Notwithstanding the above, I note that the Council has issued a HMO licence for the property. This ensures that the HMO meets the minimum standards of accommodation fit for human habitation relating to fire safety and access to the basic facilities, such as, kitchen, bathroom and toilet. Nevertheless, the planning system has a wider responsibility for ensuring that the quality of accommodation provides more than the bare minimum.
13. The appellant highlights that the Council in assessing room sizes has relied upon the Governments 'Nationally Described Space Standards' that relate to size criteria for new build housing development. Whilst this may be so, my assessment is not confined to issues such as size of rooms, but extends to consideration of the acceptability of the accommodation in respect of day-to-day living.
14. I find that the communal living space of the property for seven occupants is very limited and of poor habitable standard and the front bedroom accommodation on the top floor is extremely poor. These factors combine to create a poor living environment for the occupants. Whilst the Council's Sustainable Transport Department has not raised an objection in respect of parking and highway matters this does not overcome the harm that I have identified or justify the proposal.
15. For these above reasons, I conclude that the proposed development would not provide satisfactory living conditions for its occupants. As such, the proposal is contrary to Policy QD27 of the Brighton and Hove Local Plan (the Local Plan) that seeks to ensure adequate living conditions for occupiers of properties.

*Community balance and living conditions of the adjoining occupants*

16. The appellant indicates that the property has been rented as a sui-generis HMO since 2014, pre-dating the Policy CP21 of the Brighton & Hove City Plan Part One (the City Plan) that came in to place in March 2016. The proposal would allow the on-going occupation of the property by seven unrelated individuals.
17. Policy CP21 of the City Plan deals with the issue of change of use to HMOs, including the change of use to a large Sui Generis HMO, as retrospectively proposed here. This policy states that applications for the change of use to a Class C4 use, a mixed C3/C4 use or to a sui generis HMO use (more than six people sharing) will not be permitted where more than 10% of existing dwellings within a radius of fifty metres of the application site fall into these categories. Policy CP21 has been reinforced by an Article 4 Direction, which requires such proposals to obtain planning permission.

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<sup>1</sup> Appeals at 53 Hollingbury Road (Appeal Ref: APP/Q1445/A/14/2214317), 41 The Crestway (Appeal Ref: APP/Q1445/A/16/3146828) & 11 Cross Street (Appeal Ref: APP/Q1445/A/17/3169810).

18. Unlike other wards in the Brighton and Hove area this ward is not, however, covered by an Article 4 Direction. As such the property could be occupied by up to six unrelated individuals as a C4 Use Class. Notwithstanding this, Policy CP21 aims to secure balanced communities and its objective is to locate HMOs in those areas of the city which are the most suitable places in terms of accessibility and impacts on the amenity of surrounding areas.
19. The Council has conducted a mapping exercise and found that of the fifty two properties within a fifty metres radius of the appeal property, eleven of the neighbouring properties are in HMO use within the radius area. This equates to 21.15%. This is not in dispute.
20. The Council seeks to ensure that healthy communities are maintained across the city. The Council is concerned that the incremental intensification of use at the appeal site and others nearby through the changes of use to a sui generis HMO adds to the cumulative harm of HMO over-concentration in this part of the city. It is argued that it is this type of incremental intensification and over-concentration of HMOs in geographically focused areas that has consequential impact upon the character and appearance of these areas. These changes include the increased activity by groups of unconnected adults, associated problems with different patterns of behaviour and comings and goings, noise and disturbance, and greater pressure on parking and refuse collection, amongst other matters. Policy QD27 of the Local Plan also sets out criteria in which proposals must be assessed and these latter nuisance and amenity issues relate to this policy.
21. Whilst the proposal is for a large sui generis HMO the occupation by seven individuals would only be a marginal increase over and above that of a permitted C4 use of the property. I therefore consider that any effects arising from a single additional occupant living at the property would not likely be significant.
22. At the time of my site visit the property appeared managed and was well maintained and decorated internally and externally. There was no obvious difference between the standard of maintenance of the property and others in the area, whether HMOs or not. There was no clear proliferation of 'To Let' boards along the terrace or in the wider area. Likewise, there was no noticeable over-spill of refuse and litter.
23. The Council considers that the conversion of the appeal property to a HMO would result in a material increase in noise and disturbance for neighbouring residents, particularly in relation to Nos 7 and 11 Shoreham Road that share party walls with the appeal property. It is also contended that the lack of satisfactory communal living space would increase the time occupants would spend in their rooms. As such, the use of the building would be more intensive compared to that of a typical family. However, the Council has provided no substantive evidence to support their noise and disturbance assertions. This is despite the use being in existence, although without planning permission, for approximately three years prior to the appeal being lodged. I have not been directed to any record of complaints. Furthermore, there is a lack of any local objection to the application or appeal.
24. Based upon the evidence before me and what I saw at my visit I am not persuaded that the large (sui generis) HMO use of the property would be detrimental to the character and appearance of the area. In addition, I am not

persuaded that the use would unacceptably impact upon the living conditions of adjoining occupiers.

25. For these reasons I conclude that the development would not significantly affect the mix or balance of the community in the area. Nor would it cause significant harm to the living conditions of adjoining occupants. I therefore consider that the proposed development would not materially conflict with Policy CP21 of the City Plan or Policy QD27 of the Local Plan. The latter seeks to prevent material nuisance and loss of amenity to adjacent residents.

### **Other Matters**

26. Some concern has been raised about the contradictory text between the Council's decision notice and the Officer's Delegated Report. However, the Council's Statement of Case amplifies and substantiates the Council's reasons for refusal as set out in the decision notice. This is a matter that, if necessary, should be raised with the Council away from this appeal. In any event, these concerns would not lead me to alter my findings above.

### **Conclusion**

27. Whilst I have found in favour of the appellant in terms of the effect on community balance and living conditions of the adjoining occupants, this does not overcome the identified harm in relation to the standard of the accommodation. For the reasons given above, and having taken consideration of all matters raised, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR

