

<u>No:</u>	BH2019/03066	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	Rear Of 60 Wilbury Road Hove BN3 3PA		
<u>Proposal:</u>	Demolition of existing outbuilding and erection of 1no three bedroom single storey dwelling (C3)		
<u>Officer:</u>	Jonathan Martin	<u>Valid Date:</u>	15.10.2019
<u>Con Area:</u>	Willett Estate	<u>Expiry Date:</u>	10.12.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr David Moyle C/O Lewis And 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.

Plan Type	Reference	Version	Date Received
Proposed Drawing	TA1219/10	B	15 October 2019
Proposed Drawing	TA1219/13	B	15 October 2019
Proposed Drawing	TA1219/12	B	15 October 2019
Proposed Drawing	TA1219/14		15 October 2019
Proposed Drawing	TA1219/11	C	5 February 2020
Location and block plan	TA1219/01	B	15 October 2019

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 the proposed boundary treatment (meaning fencing and/or soft landscaping) between the two garden areas shall have been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

Reason: To safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) samples of all cladding to be used, including details of their treatment to protect against weathering
 - c) samples of all hard surfacing materials
 - d) details of the proposed window, door and balcony treatments
 - e) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.

5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

6. The residential unit hereby approved shall not be occupied until the 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.

7. The residential unit hereby approved shall not be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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.

8. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9. The development hereby permitted shall not be occupied until the dwelling hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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.

10. No extension, enlargement, alteration or provision within the curtilage of the 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, HE6 and QD27 of the Brighton & Hove Local Plan and CP15 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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. The water efficiency standard required under condition XX 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.

4. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to the rear garden of 60 Wilbury Road, a detached property subdivided into flats located on the east side of Wilbury Road. The existing rear garden is large and features a single storey outbuilding located at the eastern end of the garden. To the rear (east) of the site there is a large indoor squash court that forms part of the County Cricket Ground. The properties to the west of the site on Wilbury Road are mainly detached three storey Victorian Villas. The property adjoining no 60 to the south is a five storey block of flats.
- 2.2. The site lies within the Willett Estate conservation area.
- 2.3. Planning permission is sought for the demolition of existing outbuilding and erection of 1no three bedroom dwelling (C3).

3. RELEVANT HISTORY

- 3.1. **BH2017/03255** - Demolition of existing outbuilding and erection of 2no two bedroom dwellings (C3). refused for the following reasons:
 1. The proposed development by reason of the subdivision of the garden space into three plots and the number of dwellings proposed on the site would be uncharacteristic of the locality and would represent an overdevelopment of the site, contrary to policies CP8, CP12 and CP14 of City Plan Part One.
 2. The proposed dwellings, by virtue of their form and scale, would result in an overdevelopment of the site and would be out of character with the surrounding development, contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan, CP15 of City Plan Part One.

This application was dismissed at appeal.

- 3.2. **BH2017/01016** - Demolition of existing outbuilding and erection of 3no two bedroom houses (C3). Withdrawn 29.06.2017.
- 3.3. **BH2016/05106** - Conversion of existing residential outbuilding to create 1no single storey dwelling (C3), incorporating extension to front and associated alterations, landscaping and car parking. Approved 23.12.2016.

- 3.4. **BH2015/04265** - Certificate of lawfulness for proposed internal alterations to existing letting rooms to create 12no self-contained units (C3). Approved 15.03.2016.
- 3.5. **BH2002/00091/FP** - Conversion of existing offices (use class B1) and residential (use class C3) to supported housing for 12 residents with 24 hour on site staff supervision (use class C2). Approved 14.03.2002.
- 3.6. **BH2000/01558/FP** - Change of use from residential and offices to single dwelling house. Approved 26.07.2000.

4. REPRESENTATIONS

- 4.1. **Seven (7)** letters of representation have been received objecting to the proposal for the following reasons:
- Impact on conservation area
 - Access
 - Additional Traffic
 - Result in overlooking and loss of privacy
- 4.2. **Two (2)** letters of representation have been received supporting the proposal for the following reasons:
- Good Design

5. CONSULTATIONS

- 5.1. **CAG** : Recommended refusal for the following reasons;
- The Group has seen past applications on this site and the present one still does not respect the historic architectural character for a rear development in this part of the Conservation Area
 - The present proposal is even larger than the previously approved scheme
 - It is considered an over development with no reference to the style of the host building's style.
 - A smaller "coach house" styled structure would be more in keeping
 - This if approved could be a precedent to other applications on neighbouring sites
- 5.2. **Heritage:** Approve with conditions
This application proposes a structure of a similar footprint to that approved under application BH2016/05106, (and substantially smaller than the withdrawn scheme), however the current proposal is for a hipped, pitched roof which would be higher at its ridges than the existing/approved flat roofed structure.
- 5.3. It is considered that as currently proposed the new building would be of a scale and form that would be subservient to the main dwelling on the site, as is considered appropriate for rear garden developments.

5.4. **Environmental Health:** No comments received

5.5. **Sustainable Transport:** Approve subject to condition relating to cycle parking

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);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

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
CP10	Biodiversity
CP12	Urban design
CP14	Housing Density
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
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

- HE6 Development within or affecting the setting of the conservation area
- HE8 Demolition in conservation areas

Supplementary Planning Documents:

SPD11 Nature Conservation and Development

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development on site, the design of the new building and its impact on the character and appearance of the streetscene and wider area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.

Principle of Development

- 8.2. The site relates to the rear garden space of no. 60 Wilbury Road, a three storey detached Victorian Villa subdivided into flats. The proposal would result in the subdivision of the land to the rear of no. 60 Wilbury Road and the erection of one single storey dwelling. Access to the site would be from the existing alleyway between no. 60 and 62 Wilbury Road. The properties within the surrounding area are predominantly detached dwellings set in deep plots with large gardens. There are no examples of backland development within the street.
- 8.3. 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.
- 8.4. The Council's most recent housing land supply position is published in the SHLAA Update 2018 (February 2019). The figures presented in the SHLAA reflect the results of the Government's 2018 Housing Delivery Test which was published in February 2019. The Housing Delivery Test shows that housing delivery in Brighton & Hove over the past three years (2015-2018) has totalled only 77% of the City Plan annualised housing target. Since housing delivery has been below 85%, the NPPF requires that a 20% buffer is applied to the five year housing supply figures. This results in a five year housing shortfall of 576 net dwellings (4.5 years supply). In this situation, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.5. City Plan Policy CP1 outlines that at least 13,200 new homes will need to be built over the plan period 2010-2030, which equates to an annual average rate of provision of 660 dwellings.

- 8.6. This application follows the previously approved application BH2016/05106 for the extension and conversion of the existing outbuilding to create a single storey dwelling; therefore the principle of residential development has been established on site. Given that planning permission BH2016/05106 has been implemented due to the digging of the foundations for the extension in association with the conversion to 1 residential unit, the proposal will not result in an uplift of units on this site. The proposal will not contribute to the annual housing target above that previously approved but it does seek to provide a higher quality residential unit to the extant permission.
- 8.7. Whilst there are no objections in principle to the proposal, the new dwelling must comply with local policies and guidance as discussed below.

Design and Character:

- 8.8. Policy CP12 of the Brighton & Hove City Plan seeks to ensure that all new development raises the standard of architecture and design in the City. In tandem with this, Policy CP14 of the City seeks to encourage a higher density of development than those typically found in the locality provided developments will, amongst other things, respect, reinforce or repair the character of a neighbourhood and contribute positively to its sense of place.
- 8.9. When considering whether to grant planning permission for development which affects a conservation area or its setting the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area or any features of special architectural or historic interest which it possesses. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.10. Policy HE8 of the Local Plan explains how proposals should retain buildings or structures that make a positive contribution to the character and appearance of the conservation area. The existing garage is not original to the host property and is of no architectural or historic merit and as such is considered that the existing garage makes no positive contribution to the conservation area, so no special justification is required for its demolition. The existing building can only be glimpsed from the street and is dwarfed by the Cricket Club buildings to the rear.
- 8.11. Policy HE6 of the Local plan requires proposals to preserve or enhance the character or appearance of the conservation area.
- 8.12. The previous application for two dwellings on this site was refused as "the proposed dwellings, by virtue of their form and scale, would result in an overdevelopment of the site and would be out of character with the surrounding development, contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan, CP15 of City Plan Part One."
- 8.13. The new proposal seeks to demolish the existing outbuilding and erect a building which is single storey in height and it will have a pitched roof. The

scheme will use brick and slate for the main elevations, and timber for the doors and windows.

- 8.14. It is noted that CAG has expressed concerns over the proposal and have stated that the proposed scheme is larger than that approved by the extant consent. As shown on the proposed plans the proposal has a sloping pitched roof which is higher than before. However, the previous scheme had a flat roof and as such the structure appeared taller at the buildings edges. This is due to the eaves height being higher on the extant scheme compared with the proposed. The lower eaves height will have less of an impact on the proposed bulk of the new unit and is therefore considered to be acceptable. The proposal also has a slightly larger footprint than the extant permission with the increase in footprint coming from a bay window to the lounge area and a larger central porch. Overall it is considered that the dwelling now proposed is of a better design and scale than the extant permission.
- 8.15. Despite the increase in height, compared to the extant permission, as a result of the proposed hipped/pitched roof and slight increase to the footprint, the proposed dwelling would be of a scale and form that would not result in overdevelopment of the site and would be subservient to the main dwelling on site, which is considered appropriate for rear gardens developments. Officers acknowledge that the proposal would result in the loss of a substantial portion of amenity space available to the host building and a relatively small garden for this property, due to the increase in the amount of development on the site and the loss of part of the remaining garden area to the enjoyment of the residents of the new building. However the proportion of the original plot that would remain undeveloped is reasonable and will continue to provide an open, green setting at the rear that broadly maintains the existing urban grain. Furthermore the principle of the subdivision of the plot has been established via the extant permission.
- 8.16. The proposed development will improve the appearance of the site compared to the existing garage structure and so will benefit the character and appearance of the conservation area, albeit that such benefit will be modest owing to the site's lack of visibility in the streetscene. It is recommended that permitted development rights be removed as it is considered 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 the Local Planning Authority would wish to control any future development of the new dwelling.
- 8.17. The proposal is considered acceptable in relation to the conservation area and its setting and accordingly it is concluded that the proposal will not cause harm to the heritage asset. Overall it is considered that the proposal is in accordance with policies CP12 and CP15 of the Brighton and Hove City Plan and policies HE6 and HE8 of the Local Plan.

Standard of Accommodation

- 8.18. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new

developments. Accommodation should therefore provide suitable circulation space within the living spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.

- 8.19. 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, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 8.20. The new dwelling would have a gross internal floor space of 74sqm consisting of the following:
- bedroom 1 - 12.8sqm with 3.6sqm en-suite
 - bedroom 2 - 10.7sqm with 1.96sqm en-suite
 - bedroom 3 - 7.7sqm.
- 8.21. This would meet the governments Technical Housing Standards- Nationally described space standards which states that a 3 bedroom, 4 person, 1 storey property should have a minimum gross internal floor area of 74sqm. The property would consist of a double bedroom and two single bedrooms, each of which meets the minimum national space standards. The proposal would provide suitable circulation space within the living spaces and bedrooms and access to natural light is available for each habitable room.
- 8.22. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposal would split the existing rear garden space of 60 Wilbury Road into two plots, providing a garden space for no. 60 and one plot for the dwelling. The size of the garden spaces would be appropriate to the scale of development of the dwelling. The majority of the garden area would be located to the front of the new dwelling, but with the proposed screening thus garden space is considered to be private amenity space.
- 8.23. 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. Step-free access to the (new-build) dwellings appears to be achievable; therefore if approval was granted conditions would be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

Impact on neighbouring Amenity:

- 8.24. 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.
- 8.25. Given the existing residential character of the property and surrounding area, it is not considered in principle that the provision of the new residential unit would have a significant adverse impact upon the amenities of neighbouring properties.
- 8.26. The proposal is set in from the boundaries of the neighbour land and it is not considered that the development would have a significant adverse impact upon the amenities of these properties in terms of overshadowing, loss of light, overlooking or loss of privacy.
- 8.27. In the appeal decision for planning application BH2017/03255 (erection of 2 dwellings) the inspector considered that the development would not give rise to "substantial noise or light pollution or intrusive overlooking over and above that to be expected in a developed residential area of his type and, therefore, no resulting harm to living conditions of the occupiers of neighbouring properties." The proposal has a smaller eaves height when compared with the appeal decision application.
- 8.28. In light of the above, the proposal is compliant with Policies QD27 and Policy HO5 of the Local Plan.

Transport:

- 8.29. The proposed development would not result in a significant increase in trip generation and any impact on the highway would be minimal.
- 8.30. In terms of cycle parking, 2 spaces have been proposed to serve the development which is in line with SPD14 guidance and details of the cycle parking will be agreed via a condition.
- 8.31. SPD14 states that the maximum car parking standard for a 3-bedroom dwelling within a Key Public Transport Corridor is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 1 car parking space, although the driveway could accommodate more vehicles if needed.
- 8.32. There is potential for displaced parking from the existing garage and dwelling; however, in this case, this would be managed by the surrounding Controlled Parking Zone (CPZ).

Sustainability:

- 8.33. Policy CP8 of the Brighton & Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. These measures can be secured via a suitably worded condition and do not form a reason for refusal.

- 8.34. There is ample space on the site for the provision of refuse and recycling facilities. Such facilities should be fully implemented and made available for use prior to occupation of the proposed development.

Ecology:

- 8.35. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 8.36. The applicant has submitted a Biodiversity checklist which shows that the existing site does not show signs of any protected species being located on site. The proposal will not result in the loss of any mature trees. Overall, the proposal will not have any negative impacts on existing biodiversity on site.
- 8.37. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

9. EQUALITIES

- 9.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Conditions will be applied to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.