

<b><u>No:</u></b>	<b>BH2019/03339</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>Conversion of existing basement &amp; erection of three storey extension to rear comprising 3no one bedroom flats and 1no studio flat (C3) with associated alterations.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, tel: 293311	<b><u>Valid Date:</u></b>	02.12.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	27.01.2020
<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		

This application was considered by the Planning Committee at the last meeting on 5<sup>th</sup> February 2020. The Committee resolved to refuse the application. Following the Committee meeting, but prior to the issuing of the formal decision notice, the decision to allow the appeal against the refusal of the previous application, BH2019/01610, was received. This is now a material consideration in the determination of this current application, which is now recommended for approval. Further details are set out in the report.

## 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	GA01		7 November 2019
Proposed Drawing	GA05		7 November 2019
Proposed Drawing	GA06		7 November 2019
Proposed Drawing	GA08		7 November 2019
Proposed Drawing	GA09		7 November 2019
Proposed Drawing	GA10		7 November 2019
Proposed Drawing	GA11		7 November 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. No development above ground floor slab level of any part of the development hereby permitted shall take place until details 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) details of the proposed window, door and balcony treatments
  - d) details 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. The upper floor windows in the southern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
5. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan and policy CP8 of the Brighton and Hove City Plan Part One.
6. 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.
7. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval 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. The approved scheme shall be implemented before occupation.

**Reason:** This 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 and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

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 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.

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 of the restrictions upon the issuing of resident parking permits.

**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. 62 - 64 Preston Road is a three storey building with a basement.
- 2.2. 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 three storey building with an extended basement forming three one bedroom flats and one studio unit following the demolition of the current projection to the rear of 62 Preston Road.

- 2.4. This application follows the approval of a similarly sized and designed scheme for 3 units in June 2018 which was approved at Planning Committee.

### **3. RELEVANT HISTORY**

- 3.1. BH2019/01610: Excavation and erection of three storey building comprising 4no residential units (C3) with associated alterations. Refused 07.10.2019. Allowed on appeal 04.02.2020
- 3.2. BH2018/00854 Excavation and erection of three storey building comprising 3no. residential units (C3) with associated alterations. Approved 11.06.2018
- 3.3. BH2017/04186 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. Refused 13.03.2018. Appeal dismissed 15.02.2019.
- 3.4. BH2017/02137 Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations. Refused 08.11.2017
- 3.5. BH2016/06407 Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations. Refused 21.04.2017

### **4. REPRESENTATIONS**

- 4.1. **Seven (7)** letters of representation have been received supporting the proposed development for the following reasons:
- The scheme will benefit the area and community
  - The proposal will remove the existing old yard
  - Good design
  - The run down yard will be put to good use
  - The proposal will provide an additional home
  - Good layout
  - More homes are needed
  - Good use of the property
- 4.2. **Three (3)** letters of representation have been received objecting to the proposed development for the following reasons:
- Overshadowing
  - Loss of privacy and overlooking
  - Loss of sunlight
  - Over-development
  - Impact on the character of the area
  - The external appearance of the building is overbearing and the scale of the development is out of keeping with neighbouring properties
  - Additional parking issues
  - Lack of provisions for waste
  - The projecting porch roof would obstruct the narrow pavement

- 4.3. **Councillor Amy Heley** supports the application. Please see attached comments.

## **5. CONSULTATIONS**

- 5.1. **Sustainable Transport:** No objection subject to condition

## **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 Action Area Plan (adopted October 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
CP12	Urban design
CP14	Housing density
CP19	Housing mix

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
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 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.
- 8.3. 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).

### **History of the site**

- 8.4. Four similar schemes have recently been considered by the Planning Committee, in June 2018, March 2018, November 2017 and April 2017. Whilst the principle of development was not rejected at the site when these applications were determined, the first 3 applications raised concerns regarding the appearance of the development and the impact on amenity of existing and future residents.
- 8.5. An application was approved on the site by Planning Committee in June 2018. This application reduced the height of the previously refused extensions to three storeys and had a reduction in the overall total number of flats being created. The resultant approved scheme provided a three storey extension incorporating a basement extension to allow for the creation of 2no 1 bedroom units and 1no two bedroom maisonette.

- 8.6. An application was refused in October 2019 which sought predominantly internal changes to subdivide the approved two bedroom maisonette, under application BH2018/00854, at ground floor and basement level into 2no one bedroom units.
- 8.7. This application was refused on the following grounds:  
*'The proposed development represents a material diminution of the quality of development previously approved and by virtue of the resulting scheme only offering one-bedroom units, the limited cycle parking and the basement flat having limited outlook with future occupiers likely to experience a strong sense of enclosure, the development represents a poor standard of accommodation which would adversely affect the amenity of future occupiers. Accordingly, the proposal is considered to be contrary to Policies QD27 and TR14 of the Brighton and Hove Local Plan and Policy CP19 of the Brighton and Hove City Plan.'*
- 8.8. The main difference between the previously refused scheme (BH2019/01610) and the application currently under consideration is that the previous application sought to provide a one bedroom unit with a basement extension whilst under the current scheme the existing basement is proposed to be converted into a studio unit.
- 8.9. The current planning application raised concerns regarding the proposed housing mix and the standard of accommodation proposed to the basement studio unit. Subsequently, given the number of neighbour representations which support the scheme, the application was considered by the Planning Committee on 5th February 2020. In accordance with the officer recommendation, the Committee resolved to refuse the application for the following reason:  
*'The proposed development represents a material diminution of the quality of development previously approved and by virtue of the resulting scheme only offering one-bedroom units/studio units and the basement flat having limited outlook with future occupiers likely to experience a strong sense of enclosure, the development represents a poor standard of accommodation which would adversely affect the amenity of future occupiers. Accordingly, the proposal is considered to be contrary to Policies QD27 and TR14 of the Brighton and Hove Local Plan and Policy CP19 of the Brighton and Hove City Plan Part One.'*
- 8.10. Following the committee meeting but prior to the formal decision notice being issued, the local planning authority received a copy of the appeal decision of application BH2019/01610 which allowed this scheme. Given the similarities of the two schemes, this decision notice forms a material consideration in the determination of this application and therefore a re-assessment of the scheme has been undertaken in line with the Planning Inspector's comments.

### **Design and appearance**

- 8.11. The building remains largely identical to the application that was previously permitted with alterations to this scheme mainly concerning boundary treatment, access and internal layouts, and basement window arrangements.
- 8.12. A new boundary wall treatment is proposed to the property at no.60. This will consist of a 1.2m solid masonry wall with 0.7m of timber slatted fencing above. The materials proposed are considered acceptable given the variety of materials existing to the rear of properties on Preston Road.
- 8.13. Given the additional unit, a new access is proposed to basement level from the rear of the property. The application now proposes a sliding timber gate to the proposed access of the basement unit. The proposed gate will have a similar appearance to the previously approved cycle store and as such this alteration is not considered to materially impact upon the character and appearance of the scheme.
- 8.14. The proposed fenestration to the building largely remains as previously approved however some minor changes are proposed to the basement. The previously approved scheme (BH2018/00854) featured three sets of sliding doors to the basement bedrooms. The current scheme features a combination of sliding doors and full height fixed panes which result in a slightly higher area of glazing. The additional glazing is marginal and would be readily visible from within the street scene as such there is no objection to this design element.
- 8.15. No external changes are proposed to the north (front) elevation of the property from the previously approved scheme BH2018/00854.
- 8.16. Given the minor scale in changes to the approved scheme, the proposals are considered acceptable and in accordance with Policy CP12. Furthermore the proposed external works are similar to those proposed under the previous scheme that was allowed on appeal.

**Impact on Amenity:**

- 8.17. 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.
- 8.18. Given the revisions to the scheme from previous proposals and the advice provided by members during previous meetings, the previous officer report of application BH2018/00854 stated that any potential amenity impact to neighbouring occupiers was not so significant to warrant the refusal of the application. Given that the current application is of the same scale, form and massing of the previously approved scheme, no alternative view is taken.
- 8.19. Whilst this proposal is for 4 units, the number of future occupiers of the scheme is likely to remain the same given that the previous ground and basement floor unit would have accommodated 4 persons and that the 1



bedroom unit and studio unit would again allow for occupation of 4 persons in total.

- 8.20. The previously refused application, was which subsequently allowed on appeal, proposed 4 units albeit of a different layout to that currently proposed, however this application did not raise any specific objection to the number of units to be provided.

**Standard of accommodation**

- 8.21. The current proposals seek to increase the number of units proposed within the development from 3no units to 4. This change is facilitated by dividing the approved two bedroom ground floor and basement unit into 2no units comprising of 1no one bedroom unit and 1no studio unit. The units on the first and second floor remain unchanged to the previously approved scheme.
- 8.22. The proposal for a studio unit at basement level has been considered on the basis that the bedroom area proposed, adjacent to the kitchen, has not been fully partitioned off and is not entered via a door, the access to this room is instead open.
- 8.23. The 'Nationally Described Space Standards' (NDSS) 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, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 8.24. The LPA must consider both the quantative and the qualitative issues raised by the proposal and this includes the overall amenity and outlook for future residents and whether the accommodation is of a sufficiently high standard overall. Indeed, the updated NPPF requires that all developments provide a high standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'.
- 8.25. The ground floor unit now comprises a 1no bedroom unit with an open plan kitchen/living area, double bedroom, bathroom and utility room. The proposed units measures 56sqm and provides a double bedroom with a floor space of 13.5m which exceeds the measurements as set out within the NDSS. In addition both habitable living spaces feature sufficient useable floor area and could accommodate furniture items likely to be required by future occupiers.
- 8.26. The primary living area is dual aspect whilst the bedroom proposed has views to the south of the property. It is noted that the bedroom window will have outlook towards the shared boundary, however the height of this boundary has been reduced from the previous scheme and as a result views over the timber slatted boundary treatment will now be had. As such the light and outlook from this room is deemed acceptable.

- 8.27. Furthermore the layout of this ground floor unit is identical that proposed under application BH2019/01610. Within the appeal decision relating to that application the appeal inspector noted that the ground floor unit would provide adequate internal space and daylight and was considered acceptable. It is therefore considered that this unit would provide an acceptable standard of accommodation.
- 8.28. At basement level the scheme would provide a studio unit with a bedroom area, kitchen/living room and bathroom. The studio unit has an internal floor area of 43sqm.
- 8.29. The proposed basement unit and its external amenity space would suffer from a lack of outlook in addition to a sense of enclosure, owing to the height of the shared boundary wall with No.60 and the position of the external access stair to this unit. The application differs from the approved scheme (BH2018/00854) given that the application proposes a self-contained basement unit with single outlook onto a high boundary wall. The unit would therefore represent a poor standard of accommodation contrary to Policy QD27.
- 8.30. However within the recent appeal decision of the previous application (BH2019/01610) the appeal Inspector stated:
- 8.31. 'The basement flat would have a confined outlook from windows looking out from its main habitable rooms. Whilst otherwise offering reasonable living conditions to future occupiers, the confined outlook would give rise to conflict with LP Policy QD27. This is due to a reduced level of amenity compared to the previously permitted scheme, where the duplex unit had just bedroom windows at basement level. However, given the otherwise reasonable living conditions provided in the basement flat, and freedom of consumer choice, any harm arising from this policy conflict again attracts only limited weight.'
- 8.32. The current application is not substantially different from that allowed on appeal. The level of glazing proposed to the property is of a similar proportion to that of the previous scheme and is considered to afford a similar level of outlook. Given the assessment made by the Planning Inspector, it is therefore concluded that the standard of accommodation proposed at basement level is acceptable.

### **Housing Mix**

- 8.33. Policy CP19 of the Brighton and Hove City Plan Part One confirms that an important part of the Plan's role is to help achieve a good housing mix and a choice of housing (in terms of types and sizes of accommodation) in order to meet the diverse accommodation needs of the local community over the plan period. In terms of market housing, the greatest demand is likely to be for 2 and 3 bedroom properties and that demographic analysis of the demand/need for all housing indicates that an estimated 65% of the overall need/demand (for both market and affordable homes) will be for two and three bedroom properties. Accordingly, the intention will be to secure,

through new development, a wider variety of housing types and sizes to meet the accommodation requirements of particular groups within the city.

- 8.34. The previously approved scheme (BH2018/00854) helped towards the wider objective of policy CP19 whereas the current proposal seeks to provide only one or studio bedroom units. In terms of helping to deliver a mix of housing to meet the needs of the city, the proposal therefore represents something of a backward step and would be contrary to the aims of Policy CP19.
- 8.35. However within the recent appeal decision of the previous application (BH2019/01610) the appeal inspector stated:
- 8.36. 'The Council's most recent Annual Monitoring Report demonstrates that the delivery of one bed dwellings continues to outstrip that of two-bedroom units, which are reducing. Therefore, compared to the previous scheme, this proposal provides no redress to market supply that in Brighton favours one person flats.
- 8.37. Therefore, this proposal conflicts with CP Policy CP19 in respect of its aims to secure an appropriate housing mix. Given the town centre location, and the nature of the previously allowed apartment accommodation, any harm arising from this policy conflict attracts only limited weight in this decision.'
- 8.38. This forms a material consideration in the determination of the current application. Given that the current application is not substantially different from that allowed on appeal and the assessment made by the Planning Inspector, it is therefore concluded that the housing mix is acceptable.

**Sustainable Transport:**

Vehicle parking

- 8.39. No additional car parking is proposed for the four units. This would be expected to increase the demand for on-street parking. Based on the 2011 Census, car ownership levels of approximately 0.86 per household could be expected for the Preston Park ward and therefore the proposal has the potential to generate a demand of approximately 4 vehicles.
- 8.40. Where there is potential for overspill parking, a parking survey is normally utilised to determine whether there is capacity on-street for the additional demand within close proximity to the development.
- 8.41. In lieu of a parking survey, we utilise permit uptake data to assess parking occupancy levels within CPZs. Given the potential variance in uptake across a CPZ, where permit uptake is over 85% over the previous 12 months, no additional overspill parking is permitted without a supporting parking survey.
- 8.42. Recent permit uptake within Zone J indicates high demand for parking over 90%. Therefore, if the scheme were otherwise acceptable, a condition would be attached to any permission stating that all of the residential development is made car free and that future occupiers have no entitlement to residents parking permits.

#### Cycle Parking

- 8.43. In terms of cycle parking provision, SPD14 requires 1 long stay space to be provided per dwelling. Therefore, it is required for 4 cycle spaces to be provided to serve the development. 6 spaces are proposed which is in accordance with SPD14 guidance.

#### Trip generation

- 8.44. The proposed development would result in four additional dwellings. It is not considered the additional dwellings would result in a significant uplift in person and vehicle trips.
- 8.45. Therefore, it is not considered that the development to have a severe impact on the highway and surrounding Transport network.

#### **Sustainability:**

- 8.46. Policy CP8 of the Brighton and Hove City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. It is noted that the applicant has requested that these conditions not be attached to any permission approved, however given that the extension forms new build accommodation and that these conditions were sought by the planning inspector in the allowed appeal these conditions are sought.

### **9. EQUALITIES**

None identified.