

<u>No:</u>	BH2020/00538	<u>Ward:</u>	South Portslade Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Rear Of 9 Hayes Close Portslade BN41 2BQ		
<u>Proposal:</u>	Erection of 2no two storey detached dwelling houses (C3) including landscaping, car & cycle parking.		
<u>Officer:</u>	Nick Salt, tel:	<u>Valid Date:</u>	20.02.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16.04.2020
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	GS Investments Ltd C/o Turner Associates Ltd 19A Wilbury Avenue Hove BN3 6HS		

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
Location and block plan	TA1251/01		20 February 2020
Proposed Drawing	TA1251/10	A	6 April 2020
Proposed Drawing	TA1251/11	A	6 April 2020
Proposed Drawing	TA1251/12	A	6 April 2020
Proposed Drawing	TA1251/13	A	6 April 2020
Proposed Drawing	TA1251/14	A	6 April 2020
Proposed Drawing	TA1251/15	A	6 April 2020

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 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One

4. 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;
- d. planting should use species of known value to wildlife (advice on suitable species is provided in SPD11), boundaries should be made permeable to wildlife by planting hedges.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

6. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning

Authority. The development shall then be implemented in accordance with the approved level details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

7. 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.
8. 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
9. The development hereby permitted shall not be occupied until details showing the type, number, location and timescale for implementation of bird boxes has been submitted to and approved in writing by the Local Planning Authority. This shall include a minimum of 1 number bird boxes per dwelling. The scheme shall then be carried out in strict accordance with the approved details and thereafter retained.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policies QD18 of the Brighton & Hove Local Plan and CP10 of the Brighton & Hove City Plan Part One and SPD11: Nature Conservation and Development.
10. 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.
11. The new/extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
12. 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.

13. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.

14. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One.

15. The development hereby permitted shall not be occupied until the dwelling(s) 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.

16. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (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 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. 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.
3. The water efficiency standard required under condition 8 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
5. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.
6. A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link southernwater.co.uk/infrastructure-charges.
The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.
It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

7. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to a small plot of land to the rear of Hayes Close and accessed via the access road (Highlands Close) to the rear of Old Shoreham Road. Highlands Close is characterised by smaller garage and storage structures and open space. The plot currently stores building materials and is fenced off from the road. The site sits lower in terms of topography than the Hayes Close houses to the north and there is a retaining wall to the site's northern boundary.
- 2.2. The application seeks planning approval for the erection of 2no. two bedroom detached dwellings each with 2 storeys.
- 2.3. The dwellings themselves would be identical with a hipped tiled roof, tile hanging finish on the elevations and painted timber windows. A gap would be retained between the dwellings and to the rear boundary, with garden areas and a car parking space surrounding.

3. RELEVANT HISTORY

- 3.1. BH2018/02626 - Erection of 2no two bedroom houses (C3). Refused 11.04.2019 for the following reasons:
 1. The proposed scheme by virtue of the proximity of the proposed dwellings to the rear boundary, the scale and height of the dwellings and the dormer windows on the rear elevation represents an unneighbourly and overshadowing form of development that will harm the amenity and privacy of the neighbouring properties at 7 & 9 Hayes Close. The proposal is therefore considered contrary to policy QD27 of the Brighton and Hove Local Plan.
 2. The height of the proposed dwellings together with the bulk and design of the roof form would result in an incongruous form of development which would over dominate the adjoining bungalows and fail to respect the prevailing style of the area. The proposed scheme is therefore considered contrary to policies CP12 and CP14 of the Brighton & Hove City Plan.

The above decision was upheld at appeal on 03.10.2019, with the inspector broadly agreeing with the reasons for refusal.

- 3.2. BH2018/00288 - Erection of 3no 3 storey dwelling houses (C3). Refused 11.10.2018 for the following reasons:
 1. The proposed scheme by virtue of its height, design and materials would have an overly bulky appearance that would fail to reflect or enhance the characteristics and appearance of the surrounding area and is therefore

considered to be contrary to policies CP12 and CP14 of the Brighton & Hove City Plan.

2. The proposed scheme would provide insufficient internal space for each four bedroom dwellinghouse. The small front gardens are also considered too small for a family sized dwelling, and would be subject to much disturbance and would have no privacy. The proposed scheme is therefore considered to represent an unacceptable form of overdevelopment that will provide a poor standard of living accommodation for future occupants, contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.
3. The proposed scheme would result in increased overlooking and loss of privacy to the occupants of 5-9 Hayes Close and 222-230 Old Shoreham Road, and increased overshadowing of the rear gardens and a loss of outlook to the occupants of 5-9 Hayes Close and 4 Benfield Way. The proposal therefore poses an unacceptable level of harm to neighbouring amenity and is considered contrary to policy QD27 of the Brighton and Hove Local Plan.

3.3. PRE2017/00159 - Pre-application advice for current site for a proposal for three storey terrace housing (13.09.2017)

- Would appear to be overdevelopment, leaving little green space and out of character with surroundings;
- Roof form at odds with surrounding dwellings;
- Lack of detailing on elevations and use of metal cladding - bulk;
- Disjointed internal layout;
- Unacceptable cycle facilities;
- Insufficient amenity space;
- Loss of privacy and increased shadowing and sense of enclosure.
- Advice was given on what would be needed to overcome these issues in any planning application.

4. REPRESENTATIONS

4.1. **Eleven (11)** letters have been received objecting to the proposed development for the following reasons:

- Impact on trees
- Impact on wildlife
- Overlooking
- Too close to boundary
- Scale of dwelling
- Overshadowing
- Noise
- Increase in parking/traffic
- Design out of keeping with area
- Dominance and overbearing
- Impact of construction on parking etc.
- Restriction of view
- Impact on property value

- Poor access arrangements
- Insufficient detail on plans

4.2. **Councillor Hamilton** objects to the proposal, a copy of the correspondence is attached to the report.

5. CONSULTATIONS

5.1. **Southern Water:** No objection

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

5.2. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

5.3. Informative requested re. connection to public foul sewer.

5.4. **Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to the above application subject to inclusion of the necessary conditions relating to the crossovers, car parking retention and cycle parking provision.

5.5. Highways note that the two new dwellings are not expected to result in a significant uplift in trips. Whilst the pedestrian access (alongside the vehicle access) is acceptable in principle, Highways have requested that it be widened though do not object on this basis.

5.6. **Arboriculture:** No objection

Relevant comments from previous scheme BH2018/00288

5.7. There is one sycamore tree on the site, marked T1 on the plans and this is in a healthy condition. It is not of the best form due to the previous management of it, however, it does have some amenity value and will certainly help as a visual and sonic screen to the busy old Shoreham Road to the south. There are other trees within neighbouring gardens but these are not of a size that will be severely affected by the proposed development.

5.8. The sycamore T1 grows upon this embankment and its stem is at approximately 1.8m above the ground level. The majority of its root protection area will not be affected by the development due to this change in levels, with facilitation pruning on its western aspect it could be retained whilst construction is taking place. However, its long term retention will not be possible due to the close proximity of the building and post development pressure to remove it. The tree is not worthy of a tree preservation order, and there is an additional sycamore tree T3 behind this so the arboricultural team will not recommend refusal for this application.

- 5.9. There is no landscape plan with the application and there is room to plant small trees and shrubs within the three front gardens. The arboricultural team will recommend approval subject to condition.
- 5.10. **Ecology: No objection**
Relevant comments from previous scheme BH2018/00288
- 5.11. The site has been cleared and is currently being used for storage of building materials. The majority of the ground is bare and/or covered in boards. There is some ruderal vegetation/scrub at the top of the retaining wall along the northern boundary, with a tree in the north east corner. There are two piles of soil in the south west corner, one of which is bare and the other is covered in tall ruderal vegetation/scrub. Could see no badger setts or fox dens, and no sign of mammals on site; there were no push-throughs, latrines, hairs, mammal paths or footprints, although the ground was hard and dry so the latter would be hard to see. The site is within an urban setting and is relatively isolated.
- 5.12. In light of the above, in its current state there are no ecological constraints to the proposed development. If the Council is minded to approve the application, the site should be enhanced for biodiversity to address the NERC Act and NPPF. A sensitive landscape scheme should use species of known value to wildlife (advice on suitable species is provided in SPD11), boundaries should be made permeable to wildlife by either planting hedges or providing holes in gravel boards, and bird boxes should be installed. These should target species of local conservation concern such as starling, house sparrow and swift.

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 (adopted Oct 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

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

TR7	Safe Development
TR14	Cycle access and parking
QD16	Trees and hedgerows
QD18	Species protection
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
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1. Concerns have been raised regarding impact on property value and impact during construction works are noted as objections set forward in the representation section of this report. These are not however, material planning considerations and accordingly have not been considered in the above assessment.
- 8.2. The main considerations in the determination of this application relate to:
- Principle of development;
 - History of the site and evolution of proposed schemes;
 - Design and appearance;
 - Impact on the amenity of occupants of adjacent properties;
 - Highways and transport considerations;
 - Standard of accommodation;
 - Ecological impact;
 - Arboriculture;
 - Sustainability.

Principle of Development and Site History:

- 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 published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 8.5. The creation of 2 dwelling houses would be a useful contribution towards the City's housing targets and this must be given due weight in the balancing of the considerations.
- 8.6. The principle of residential development on this site was considered acceptable in the previous schemes and was not questioned by the Inspector, when the previous appeal was dismissed. A pre application response from 2017 agreed that residential was the most suitable form of any future development on this site but raised specific concerns regarding the proposal.

Site History and Background:

- 8.7. Previous refusals for schemes on this site have raised concerns with the design and appearance of the proposed buildings and the impact on the wider character of the area, as well as impact on the amenity of the neighbouring dwellings. This further application for 2 detached dwellings has been submitted in an attempt to address previous shortfalls in proposals and this is a material consideration.
- 8.8. As previously outlined in the report, the previous two schemes on the site were both refused. The most recent scheme was refused on two grounds, firstly due to the proximity of the proposed dwellings to the boundary with 7 & 9 Hayes Close, and secondly as a result of overshadowing and loss of privacy. The Appeal Inspector in dismissing the appeal concurred with this view. The Inspector, did not rule out the principle of development of the site.
- 8.9. The proposal has been significantly revised and reduced from the large three storey semi-detached pair to a smaller pair of detached two-storey dwellings. The new dwellings would be 7m to the ridge from ground level, approximately 5m to the eaves (south elevation) and 4.25m to the eaves (north elevation) from ground level, 7m wide and 6.5m deep. The ridge height has been reduced from the previous scheme by 1.5m, eaves reduced by 2m, and the dwellings have been designed as separate units, compared to the previous semi-detached design which had a width of 12.75m. The depth has been reduced by 1.2m, providing a greater distance to the northern boundary of approx. 2.7m. This is most evident in drawing no.12 which shows a section comparison between the scale of the current scheme and the previously refused scheme - as is discussed below.

- 8.10. The second reason for refusal was the impact of the bulk and scale of the previous proposal on the character and appearance of the surrounding area. Again, with the height and size reduction and the splitting of the dwellings into smaller detached units, the current scheme is fundamentally different in appearance.
- 8.11. Proposed materials to be used have been amended to better reflect the prevailing design of the surrounding area, this will also be discussed below. To summarise:
- The current proposal has been set further back from the boundary;
 - The northern roof pitch has been reduced;
 - Rear elevation windows above ground floor level have been removed;
 - Ridge height has been reduced by 1.5m and is now 5.5m above garden ground level of houses to the rear;
 - Eaves height on the northern elevation is now 0.75m higher than the boundary fence to the rear of 9 Hayes Close;
 - Distances to 7 and 9 Hayes Close south elevations are 17.2m and 17.45m respectively.
 - Change in design and materials.

Design and Appearance:

- 8.12. Brighton & Hove City Plan Policy CP12 requires new developments to be of a high standard of design that would make a positive contribution to the surrounding area, that emphasises and enhances the positive characteristics of the local neighbourhood. Policy CP14 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design. Policies CP12 and CP14 require that new infill development does not result in town cramming or detriment to the amenity of the surrounding area.
- 8.13. The application site backs onto the rear of Hayes Close which is predominantly comprised of single story semi-detached bungalows. The development site faces onto the rear of residential houses on Old Shoreham Road, which are two storey semi-detached houses.
- 8.14. Although external design is not required to copy the prevailing housing in terms of appearance and contemporary design is welcomed, there is an expectation that new development demonstrate a clear design rationale for the building in relation to its context/neighbours.
- 8.15. The reduction in build to plot ratio relative to the previous 2 schemes is noted. The current proposal is for two detached dwellings rather than 2 or 3 semi-detached/terraced dwellings. The two dwellings would be 5.8m apart. The overall bulk and height of the buildings is therefore reduced, the ridge height of the two dwellings would be 1.5m lower than that of the previous scheme. This is demonstrated in drawing TA1251/12 (sections) submitted with the application. The hipped roof design and lower, smaller form of the dwellings would be more in keeping with the Hayes Close bungalows to the north and would sit more comfortably between those bungalows and the larger dwellings to the south on Old Shoreham Road.

- 8.16. The ridge height of the dwellings would sit lower than that of the Hayes Close bungalows by approximately 1.5m, and the properties to the south by a similar level, due to the lower hipped roof design, the 1.5m lower ground level (relative to Hayes Road) and the existing topography. As outlined in the previous section, the dwellings would sit approximately 5.5m above the garden level of the properties to the rear/north (Hayes Close), with a total 7m height to the ridge. The overall scale and form of the dwellings would not be out of keeping with the surrounding context, despite the constricted and backland nature of the site. The existing openness which was identified by the appeal inspector in the previous appeal decision would not be unacceptably reduced. Further detail on dimensions of the proposed dwellings, compared to the neighbouring dwellings and the previous scheme is outlined in the previous section of this report.
- 8.17. The design of the dwellings in terms of finish would also provide an appropriate mix of contemporary styling through the use of modern multi-level fenestration design and a first floor bay window, and the more modest traditional design of the surrounding area. The use of tile hanging and brick would follow more closely the materiality of the surrounding residential properties and would help to further reduce the visual impact and bulk of the proposals, relative to the metal cladding etc. as previously proposed. The tiled hipped roof and modestly sized timber windows would also sit comfortably in the site without jarring with the surroundings. Further material detail is subject to further approval through recommended conditions. The northern (Hayes Close) side would be exposed to a longer, shallower roof slope with an eaves height of less than 1 metre above the rear boundary fencing, and distance to the boundary has been increased to nearly 3m, reducing any overbearing visual impact.
- 8.18. Overall, the design and appearance of the dwellings would address previous issues with schemes on this site through a significant reduction in siting, bulk and height and through careful design which would allow the buildings to tie in appropriately with their built and natural contexts in accordance with policy CP12 and CP14.

Impact on Amenity:

- 8.19. 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.
- 8.20. The properties considered at most risk of being impacted by the proposed development are 5, 7 and 9 Hayes Close, 4 Benfield Way, 222 - 230 Old Shoreham Road.
- 8.21. With regard to the Hayes Close properties to the north (rear), previous issues were raised concerning overshadowing and the resulting impact on amenity due to the height of the proposed dwellings and the siting of the dwellings as a

pair of semi-detached properties, relative to Hayes Close and the proximity of the boundary with those properties.

- 8.22. In the previous scheme, shading diagrams were provided which demonstrated that shadowing would be minor from March to September but would be more significant during the winter months due to the natural alignment of sunlight. The appeal inspector previously did not make a final comment of the risk of shadowing but considered that overlooking remained unacceptable and therefore the previous application refusal on the basis of neighbour amenity impact was upheld.
- 8.23. The larger previous proposal was considered to result in greater bulk that would have had an overbearing impact, reducing outlook for neighbouring occupiers. The section drawings submitted with the current scheme are useful in establishing whether the scheme would result in a detrimental impact on amenity and whether this would be significant to warrant refusal of the application. It is noted, the redesigned scheme, introducing two detached properties breaks the bulk that would have resulted from the semi-detached pair in the previous scheme. This together with the shallower roof pitch at the northern end of the dwellings would allow for a clearer path for sunlight into the rear garden of the Hayes Close properties. The northern roof slope has been designed at a shallower pitch to further limit impact, and the hipped design of the roof will also reduce any such impact. The design changes incorporated, namely the introduction of two smaller detached dwellings is considered to have overcome the previous concerns raised in respect of amenity to the occupiers of Hayes Close.
- 8.24. Due to the distances to the Old Shoreham Road properties (approx. 5m from the rear boundaries, and over 9m from the rear elevation of garages), as well as the height and positioning of the proposed dwellings, together with the outbuildings that provides some relief, it is not considered that the proposal would have a detrimental impact in terms of overshadowing, loss of daylight on those properties or their gardens.
- 8.25. In relation to overlooking and loss of privacy, the current proposal features no first floor windows on the rear (north) elevations or the east side elevations which would prevent any significant overlooking into or onto the Hayes Road properties, between the two proposed dwellings, or towards 4 Benfield Way. Overlooking from the front (south) elevations onto the rear of the Old Shoreham Road properties would be limited due to fencing and garages to the rear of those properties and a separation distance between elevations of over 30 metres. These garages to the rear of the Old Shoreham Road dwellings would continue to be prominent in the northern outlook due to the topography of the area sloping upwards to the north. From the rear windows of the Old Shoreham Road properties, mainly the top half of the new dwellings including the roofs would be visible, and dominance would be reduced relative the previous taller, bulkier scheme. The existing garages would therefore have some screening effect, further diminishing the impact of the new dwellings which would sit some 35m to the north of the rear elevation of the Old Shoreham Road properties.

- 8.26. There would be an increase in comings and goings associated with the use of the two dwellings which would generate some degree of noise. This noise would not be likely to exceed or differ from that expected in a residential area and therefore its impact is not considered likely to have an unacceptable detrimental effect on the amenity of the neighbours.
- 8.27. In summary, the potential impact of the proposed development on the residential amenity of the occupants of the neighbouring dwellings has been considered fully and the scheme is in accordance with policies CP14 of the City Plan and QD27 of the Local Plan in that amenity will not be unacceptably impacted inasmuch as to warrant the refusal of this application.

Standard of Accommodation:

- 8.28. 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 communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.29. 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, 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. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sq metres, and a double bedroom should measure at least 11.5sq metres. The minimum floor space requires a head height of above 1.5m.
- 8.30. The ground floor accommodation would comprise an entrance hallway and downstairs cloakroom/W.C, an open plan kitchen/diner/lounge.
- 8.31. The first floor accommodation would comprise bedroom 1 measuring 12.4sq metres plus en-suite, and a single bedroom with 10sq metres floorspace. Interior ceiling heights of 2.3-2.35m are considered acceptable and overall the layout would be acceptable in terms of floorspace. The total interior floorspace would be just over 70sq metres (excluding stairs), which would meet the NDSS guide of 70sq metres for a 2 storey dwelling with 2 bedrooms and 3 occupants. The overall layout is considered good, with adequate access to natural light, ventilation and outlook.
- 8.32. 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. The ground floor has level access, a W.C and kitchen facilities and could be adapted to meet the needs of people with disabilities.

- 8.33. Policy HO5 of the Brighton and Hove Local Plan requires the provision of private useable amenity space in new residential development which should be appropriate to the scale and character of the development.
- 8.34. A narrow garden is located across the rear of the dwellings, with a small patio to the eastern side. Dwelling 1 (eastern) would have a larger garden and patio space. The garden of the eastern plot measures 4sq metres and the garden to the western plot measures 32 sq metres (excluding the car parking spaces and the stepped retaining walls). The garden area will be secluded from the road by fences. While it is noted that the garden area may be subject to some noise disturbance from other residents using the access road, the narrowness of the site means that the gardens can only be located to the side and is a consequence of the scale of development proposed. This is not a large area in either case but would be acceptable for a dwelling with 3 person occupancy and would accord with HO5.

Sustainable Transport:

- 8.35. The proposal would result in a modest increase in demand on local pedestrian and road routes relative to the additional dwelling. The Highway Authority do not object to the application. The two new 3-person dwellings are not expected to result in a significant uplift in trips. Whilst the pedestrian access (alongside the vehicle access) is acceptable in principle, Highways have requested that it be widened though do not object on this basis. To widen the access, the level of outdoor amenity space would need to be reduced at the eastern sides of the dwellings. It is considered that the 3.2m wide access to the car parking space would provide enough width for an average sized car and pedestrian/wheelchair access.
- 8.36. The site is not located in a controlled parking area of the city. SPD14 states that the maximum car parking standard for 2-bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per dwellings for visitors. The applicant proposes 1 car parking space for each 2-bedroom property. It is expected that any visitor car parking will be able to use the on-street parking available on the nearby Foredown Drive. Car parking provision on site would meet the requirements of the SPD14 standards subject to a condition securing the retention of the parking spaces.
- 8.37. In terms of cycle parking, 4 spaces have been proposed to serve the development. SPD14 guidance states that for a 2-bedroom dwelling, 1 cycle parking space (long stay) should be provided. Having reviewed the submitted plans, the Highways team note that it would appear that the cycle store is constrained with regard to access, with it being difficult to manoeuvre bikes out of the store. Further details are therefore required which can be secured by condition.
- 8.38. Overall, subject to the necessary conditions, the development would not have an unacceptable or significant impact on the local highway system, on traffic and pedestrian safety or in terms of access an parking for the future occupants in accordance with policies TR7 and TR14 of the Local Plan.

Arboriculture:

- 8.39. Arboriculture comments were provided for one of the previous larger schemes and are relatively recent and considered relevant to this scheme.
- 8.40. There is one sycamore tree on the site, marked T1 on the plans and this is in a healthy condition. There are other trees within neighbouring gardens but these are not of a size that will be severely affected by the proposed development.
- 8.41. The sycamore T1 grows upon an embankment and its stem is at approximately 1.8m above the ground level. The long term retention of this tree would not be possible due to the close proximity of the building and post development pressure to remove it. The tree is not worthy of a tree preservation order, and there is an additional sycamore tree T3 behind this so the arboricultural team has not recommend refusal for this application.
- 8.42. There is no landscape plan with the application and there is room to plant small trees and shrubs within the gardens. A landscaping plan shall be secured via condition if overall the proposal is considered acceptable.

Ecology:

- 8.43. Ecology comments were provided for a previous larger scheme on this site and are also considered relevant to this one.
- 8.44. They previously noted that there were no ecological constraints to the proposed development. Enhanced biodiversity to address the NERC Act and NPPF could be secured by condition. A sensitive landscape scheme would be required and should use species of known value to wildlife (advice on suitable species is provided in SPD11), boundaries should be made permeable to wildlife by either planting hedges or providing holes in gravel boards, and bird boxes should be installed. These should target species of local conservation concern such as starling, house sparrow and swift.
- 8.45. Furthermore a condition requiring a bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

Sustainability:

- 8.46. Policy CP8 of the Brighton and Hove City Plan Part One requires 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. These measures could be secured via a suitably worded condition if the development were to be approved.

Other Matters

- 8.47. Recycling/waste storage has been shown adjacent to the cycle parking to the western side of the dwellings. This should be implemented prior to occupation and this shall be secured via condition.

9. CONCLUSION:

- 9.1. To summarise the above assessment, it is acknowledged that the site is constricted and in a potentially sensitive backland location between existing sets of dwellings. The original intended use of Highlands Close was evidently for access to the rear of Old Shoreham Road houses and not for new residential dwellings. The level of objection to these proposed dwellings is also noted.
- 9.2. However, the current proposal is considered to overcome the concerns raised with previously refused schemes, is an efficient and effective use of a site and is not regarded as overdevelopment of what is an underused site. This is particularly achieved through the height reductions of 1.5m at the ridge, 3m at the eaves, the setback from the boundary by a further 1m, the splitting of the development into two smaller units spaced 5.8m apart and the more sensitive use of materials. The effective use of the site and the principle of the redevelopment for residential purposes makes a contribution towards the housing shortfall in the City and carries weight in favour of the developments acceptability. There are no issues with this scheme which have been identified as so significant or unacceptable as to tip the planning balance of the scheme towards a refusal.

10. EQUALITIES

- 10.1. 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.