

<u>No:</u>	BH2020/01319	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	23 Shirley Drive Hove BN3 6NQ		
<u>Proposal:</u>	Erection of part one, part two storey detached house (C3) to the rear of the property, installation of a front balcony and a winter garden to the side of the first floor of the frontage property and associated alterations. (Amended drawings)		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	14.05.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	09.07.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	07.09.2020
<u>Agent:</u>	Mr Jon Turner 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Maria Higgins 23 Shirley Drive Hove BN3 6NQ		

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	TA 1266 /01	A	21 July 2020
Existing Drawing	NJCL 703_01_140520		14 May 2020
Proposed Drawing	NJCL 703_02_140520		14 May 2020
Proposed Drawing	TA 1266 /10	B	21 July 2020
Proposed Drawing	TA 1266 /11	A	21 July 2020
Proposed Drawing	TA 1266 /12	A	21 July 2020
Proposed Drawing	TA 1266 /13	A	21 July 2020
Proposed Drawing	TA 1266 /14	A	21 July 2020
Proposed Drawing	TA 1266 /15	A	21 July 2020
Proposed Drawing	TA 1266 /16	A	21 July 2020
Proposed Drawing	TA 1266 /17	A	21 July 2020
Proposed Drawing	TA 1266 /20	A	15 June 2020
Proposed Drawing	TA 1266 /21	A	15 June 2020
Proposed Drawing	TA 1266 /22	A	15 June 2020
Proposed Drawing	TA 1266 /23	A	15 June 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 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:

- a) samples of all brick, panelling, cladding, tiling and render (including details of the colour of render / paintwork to be used);
- b) 1:20 elevation and section drawings of the proposed window, door and balcony treatments; and
- c) 1:20 scale plan and section drawings of the green roof, including depth of substrate and seeding mix.

Development shall thereafter be carried out only 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. Prior to the first 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, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing location, sizes and numbers of all proposed trees and plants; and
- c. details of all boundary treatments to include type, position, dimensions and materials.

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 and QD16 of the Brighton & Hove Local Plan, CP12 of the Brighton & Hove City Plan Part One and SPD06, SPD11 and SPD16.

5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), an Arboricultural Assessment of the two trees proposed to be removed on site shall be submitted to and approved in writing by the Local Planning Authority. If the Assessment confirms that the two trees are worthy of retention but cannot be relocated within the site, four additional trees shall be included in the landscaping details secured by condition 4, and provided on the site to replace them.

Reason: As this matter is fundamental to assessing whether the trees can be relocated or replanted on the site in compliance with Policies QD16 of the Brighton & Hove Local Plan and SPD06.

6. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the Arboricultural Assessment received on 14 May 2020 are in place and retained throughout the construction process. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with Policies QD16 of the Brighton & Hove Local Plan and SPD06.
7. 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 Policy CP8 of the Brighton & Hove City Plan Part One and SPD16.
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 SPD11.
9. Three swift bricks shall be incorporated within the external walls 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 SPD11.
10. Access to the flat roofs over the dwellinghouse hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan.
11. The new crossover and extended driveway 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 CP12 of the City Plan Part One.
12. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made

available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy TR14 of the Brighton & Hove Local Plan and SPD14.

13. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies QD27 of the Brighton & Hove Local Plan, CP8 of the Brighton & Hove City Plan Part One and WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

14. The residential unit hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with Policy CP8 of the Brighton & Hove City Plan Part One.

15. The residential unit hereby approved shall not be occupied until it 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.

16. No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A, B and C 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 for this reason would wish to control any future development to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.

3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. Swift bricks be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors.
5. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.
6. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
7. The water efficiency standard required under Condition 15 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is located on the east side of Shirley Drive, between the junction of Hove Park Road to the north and Shirley Road to the south. The site comprises a two-storey, post-war property with bay windows and two gable ends, that appears to have been extended to the north to incorporate a double garage. The building has been split into three flats: a three-bed flat on the ground floor, and a three-bed flat and a one-bed flat on the first floor. It benefits from two off-street parking spaces, and a crossover wide enough for a single vehicle.

To the rear, there is a garden shared between the three-bed flats. The garden can also be accessed via a gated side passageway. The site slopes up to the north and to the west meaning that the building is lower than the rear-most point of the garden.

- 2.2. The site is not within a Conservation Area and the existing property is not listed, nor in the vicinity of one, but it is opposite the locally listed Hove Recreation Ground. It is within Controlled Parking Zone (CPZ) P, and Groundwater Source Protection Zone 2. Trees within the land pertaining to 25C and 27 Shirley Drive are the subject of Tree Preservation Orders (TPO).
- 2.3. Planning permission is sought for the erection of a part one-, part two-storey detached house (Planning Use Class C3) to the rear of the existing property; the installation of a front balcony and a winter garden to the side of the first floor of the existing property, and associated alterations.
- 2.4. The following changes have been made during the course of the application:
 - Change to the main roof form from pitched, to flat with parapet and a green roof, with a pitched standing seam roof to the single storey element.
 - Closer proximity of single storey element of proposed dwelling to rear (east) boundary, and two storey element to the west side.
 - Reconfiguration of the external amenity space to make it more usable.
 - Reduction in the extent of the single storey front projection / lobby.
 - Creating a single internal floor level on the ground floor.
 - Increase in internal floor-to-ceiling heights to the ground floor
 - Simplified material palette.
 - Provision of a winter garden to the side of the frontage property.

3. RELEVANT HISTORY

- 3.1. BH2007/03128: Reconstruction of external access (retrospective). Approved 20 March 2008
- 3.2. BH2019/02776: Erection of two storey detached dwellinghouse to the rear of 23 Shirley Drive, demolition of side extension to existing dwellinghouse to be replaced with first floor balcony. Withdrawn 13 January 2020

Also of relevance:

- 3.3. BH2007/00180: Erection of two-storey, detached four-bedroom house at rear of 25 Shirley Drive. Approved 11 May 2007
- 3.4. BH2005/00116/FP: New dwelling house in rear garden of 27 Shirley Drive. Approved 24 February 2005

4. REPRESENTATIONS

- 4.1. Thirty seven (37) objections were received within the consultation period, five of which were from properties directly affected by the proposed development, raising the following issues:
- a) The proposal would be 'garden grabbing' and overdevelopment of the site, which would have four dwellings on it, resulting in small plots with little garden area. It would be contrary to Government Policy PPS3 and also Local Plan Policies QD1, QD2 and QD3.
 - b) The proposed dwelling would add to the building density already created by overcrowded, crammed infill development in the back gardens of 25 and 27 Shirley Drive, which have ruined these plots as shown in aerial views.
 - c) The driveway over the grass verge is too close to the tree and goes over its roots, and the access to the proposed dwelling would likely eventually be used as a driveway, which would adversely impact residential amenity.
 - d) The proposed parking space on the driveway would bring the total number up to three, serving a total of 10 bedrooms between the four properties. It would be reasonable to expect each dwelling to have two parking spaces, or eight in total, so this proposal could result in excessive on-street parking and traffic.
 - e) Having such a small car parking space so far away from the house would preclude it having a charging point.
 - f) The green roof next to bedrooms with Juliet balconies is likely to give rise to overlooking into houses and gardens.
 - g) The design is poor, it would be completely out of keeping with the recognised pattern of housing in the area to the detriment of the amenity of the area and once built it would be allowed to be extended or developed further.
 - h) The character of the area is derived from sylvan open space so using gardens as building plots only diminishes it.
 - i) Views from neighbouring gardens would not be improved.
 - j) Access to the rear garden for emergency services and builders would prove difficult given its narrowness.
 - k) Balconies and a park are not a substitute for a garden and no. 23 would permanently be deprived of a garden.
 - l) However 'green' the building is, it would adversely affect water run-off, the ground on which it is built and the area around it, which is a wildlife corridor between the Shirley Drive and Rigden Road properties and would be affected by noise and light pollution, especially at night.
 - m) If permission for this building was granted it would set a precedent therefore making it difficult for future applications to be refused and would encourage others to sell off land, which could affect the value of homes.
 - n) The proposal have an adverse impact on people's work and home lives given the increase in working from home.
 - o) The trees on the verges along Shirley Drive should be protected; the position of the tree outside no. 23 appears to be inaccurately shown further north than it actually is.
 - p) Serious concerns regarding overshadowing and loss of daylight and sunlight to properties north of no. 23. A Daylight and Sunlight report including a shadow analysis diagram should be submitted.
 - q) The proposal, by reason of its size, depth, width, height and massing, would have an unacceptably adverse impact on neighbouring properties in terms of overlooking, loss of privacy and visually overbearing impact.

- r) The cramped building to tree relationship is likely to place further detrimental long term pruning pressures on an elm tree on the northern boundary.
- s) Back garden developments increase noise and light pollution.
- t) The proposal would have been marginally more acceptable if had a maximum height of 2.5m and a green roof over all of it; it would rudely interrupt the prevailing garden environment.
- u) Despite ramped entrance to the building, there is limited provision for disabled access from the road because there is no vehicular access.
- v) It would be much too close to the boundaries of the properties to either side.
- w) It would be environmentally unsustainable with effects on greenhouse gas emissions and atmospheric pollution.
- x) It does not reach Code for Sustainable Homes Level 5 required by the Council for back garden developments.
- y) The reasons for refusing permission and dismissing the appeal for a dwelling to the rear of no. 19 are still valid now.
- z) The 3m high fence shown on the plans should clearly not be allowed and the plans are misleading.
- aa) The creation of a public path from Shirley Drive to the row of back gardens would remove privacy and security.
- bb) This proposal would not only not achieve the aims of City Plan Part One Policy CP14, it works against them.
- cc) Adding another large unit would result in higher resource consumption and waste on an even larger scale than the main house, it having already been split into three separate units.
- dd) The sustainability report states there would be 5 fruit trees planted within 10m and this would not be appropriate.

4.2. Subsequent to a re-consultation after changes had been made, six (6) (six) objections were made raising the following issues:

- a) The latest amendments are so significant that there is little similarity to the original drawings and warrant a fresh application.
- b) There is no house that would gain neighbours' approval because any structure would affect the building to land ratio, add to parking congestion, adversely affect the open green nature of the area and generally detract from the location.
- c) The view shown on drawing no. TA 1266 /17A is not possible.
- d) It is unacceptable that the proposed house is now closer than 2m to the boundary fence, and therefore the shadowing effect will be greater than before. It would also be a potential source of noise and light pollution.
- e) The green roof would overlook gardens.
- f) The application does nothing to address the need for additional and affordable housing in Brighton and Hove.
- g) The amended drawings do not address any or all of the issues set out in previous letters and by adjoining neighbours.
- h) Changing the design of the proposed house does nothing to alter its impact on the nature of the area.
- i) The building of the houses to the rear of no. 25 were an awful mistake that are totally out of keeping in the area.
- j) Rather than losing gardens, they need to be cultivated to encourage wildlife.

- k) The revised proposal provides a greater vertical emphasis of a monolithic nature that contributes to a sense of bland, inappropriate and discordant scale and mass of structure - with appalling visual impacts - that serve only to emphasise its inappropriateness to a rear garden location.
- l) The proposal will create an overbearing environment for the immediately neighbouring dwellings, contrary to Local Plan Policy QD27.
- m) The opaque glazed windows to the Juliette balconies areas offer little in terms of protecting privacy and mitigating the perception of overlooking of neighbouring properties and their rear gardens.

4.3. 4 (four) representations in support of the application were received, giving the following reasons:

- a) It appears to be a carefully thought through, well-designed, modest house for the plot, proportionate in size leaving an adequate garden. It is respectful to its surroundings and is in line with the two other neighbouring houses too.
- b) There has been another property developed on a similar, adjacent plot, which sets a precedent for the erection of a new structure. This plot is a disparate site and in no way does it constitute 'garden grabbing'.
- c) Some eco-sustainable and interesting features (i.e. green living roof, raised pond and solar panels) to encourage wildlife are also incorporated and match the design.
- d) The noise and disruption caused by the build is only to be expected and won't have a direct impact on the environment or wildlife in the area.
- e) This area (plot) looks to be underutilised by the owner of the property.
- f) The number of vehicles will not be substantially increased, as there are enough parking spaces and garages.
- g) Living arrangements would not be negatively impacted by this new development. It is a relief to see that the staircase to the side of the property would be removed, but the hedges and fences should be maintained at a sufficient size to provide privacy for all properties adjacent to the site.

4.4. Subsequent to a re-consultation after changes had been made, one representation in support of the application was received, with the individual noting they were 'very impressed' with the amendments, particularly with the sustainable living roof design. They considered the house to be well-proportioned and an excellent use of the space, setting a very high standard for use as a bench mark for future planning applications.

4.5. Councillors Bagaeen and Brown have objected to the application as submitted. Copies of the correspondence is attached to the report.

5. CONSULTATIONS

5.1. Transport:

No changes are proposed to the pedestrian access arrangements onto the adopted (public) highway, which is deemed acceptable.

5.2. The minimum cycle parking standard for this development is two cycle parking spaces, but there is a lack of details in terms of design, materials, dimensions

and illumination for the proposed store for four bicycles. Cycle parking details are therefore requested by condition.

- 5.3. There are also somewhat limited opportunities in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park. Blue Badge holders are also able to park on double yellow lines for up to three hours.
- 5.4. The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and this is deemed acceptable for this development.
- 5.5. The proposed changes to the existing vehicle access arrangements onto the adopted (public) highway are deemed acceptable in principle. Details of the new / extended crossover can be conditioned.
- 5.6. A condition should also be attached to ensure that the driveway and hardstanding materials are porous and / or permeable, and that no surface water should run-off onto the adopted (public) highway.
- 5.7. The maximum car parking standard for this development (3 residential units; 1 existing, 1 altered and 1 new) within an Outer Area is 4 spaces. The application form submitted states there are nine vehicles spaces on site and is proposing an additional light goods vehicles / public carrier vehicle space making a total of 10 parking spaces. Therefore, the proposed level of car parking is not in line with SPD14 and therefore amendments are required to avoid refusal.
- 5.8. The proposed development of an additional three bedroom dwelling on the site is considered to generate overspill parking on nearby streets. A parking survey was not provided to demonstrate the existence of sufficient on-street capacity to absorb any overspill. The site is located in Controlled Parking Zone (CPZ) P, which only came into operation at the start of September 2019 and therefore there are still many permits available. Given that the permit uptake is low, it is not considered that this proposal should be made car-free (restriction of car parking permits) by condition.
- 5.9. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and deemed acceptable.

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 Joint Area Action Plan (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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The Council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP14	Housing Density

Brighton & Hove Local Plan (retained policies March 2016)

TR7	Safe Development
TR14	Cycle access and parking
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
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

Supplementary Planning Documents

SPD06	Trees and Development Sites
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

SPD16 Sustainable Drainage

Supplementary Planning Guidance

SPGBH9 A Guide for Residential Developers on the Provision of Outdoor Recreation Space

Other Documents

Urban Characterisation Study 2009

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan - Policy WMP3d and WMP3e

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of development; the design and appearance of the dwellinghouse; landscaping and biodiversity; its impact on neighbouring amenity; the standard of accommodation created; the impact on the highways network; and sustainability.

Principle of development:

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 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).

8.4. The site counts as a small 'windfall site', bringing the benefit of providing an additional housing unit to the city, albeit a very minor contribution to the City's ongoing five year supply requirements.

8.5. As such, the principle of residential development is considered acceptable.

8.6. To make full, efficient and sustainable use of the land available, City Plan Part One Policy CP14 outlines that new residential development in Brighton & Hove will be expected to achieve a minimum net density of 50 dph (dwellings per hectare), subject to meeting the other criteria (contributing positively to sustainable neighbourhoods, design and type of dwelling, sustainable transport, proximity to services, and provision of outdoor space).

8.7. Notwithstanding the minimum net density set out in Policy CP14, residential development should still be of a density that is appropriate to the identified

positive character of the neighbourhood and be determined on a case by case basis. The site is within the Tongdean neighbourhood where the average gross density is 11 dph. Based on there being three dwellings within the existing property, the current density of the site is 27 dph. This scheme would result in four dwellings on the plot, resulting in 36 dph. However, this decreases to 19 dph if the proposed dwellinghouse is considered solely on its own plot, which would be the case as it would be entirely self-contained.

- 8.8. Whilst a dph of 19 is above the average for the neighbourhood, it is noted that this is in keeping with other, similar development in the vicinity. Further, the policy presumption is towards allowing densities higher than those typically found in the locality, especially where it can be adequately demonstrated that the proposal meets all the criteria listed in Policy CP14 and there is no overall harm.

Design and Appearance:

- 8.9. The site is within the Hove Park character area of the Tongdean neighbourhood, which is characterised by large, interwar and post-war houses, on generous plots, set back from tree-lined roads. It not considered that the proposed dwellinghouse would be out of character with this area, particularly as it would be set back 46m from the road, and would not be visible due to the distance and existing utility room, preventing views in-between no. 23 and the property to the south, no. 21. A proposed winter garden to the side of the frontage property would also provide screening. In this way it would have much less of an impact on the streetscene than the existing properties constructed to the rear of nos. 25 and 27.
- 8.10. It is important to note that this application is not the first for a dwelling to be sited in a rear garden on its own plot within the surrounding area. Such dwellings exist at 2b Shirley Drive, the rear of no. 25 (now no. 25B), the rear of no. 27 (now no. 25C), no. 102, no. 112 as well as 19 Mallory Road. Therefore, the principle of subdividing the large rear gardens of properties to create separate plots is considered to be acceptable and congruous with the surrounds. In terms of plot sizes, the aforementioned approved dwellings had 278m², 606m², 600m², 288m², 300m² and 251m² respectively, which demonstrates variety in plot size. This scheme would provide the proposed dwelling with a plot area of 500m², which would therefore be towards the top end of the scale and considered acceptable. It is noted that this has been enlarged from 449m² proposed by the previous application.
- 8.11. In terms of the built footprint within the plot, at 130.6m² the proposed dwellinghouse would be smaller than either of the adjacent new properties to the north. The dwelling at no. 25b measures approximately 156m², with no. 25c larger still. The footprint of the proposed dwelling equates to 26% of the overall plot size, which is comparable with 25.7% at no. 25b and less than 32.8% at no. 25c. It is noted that the footprint has been reduced from 136m² proposed by the previous application.
- 8.12. With regard to these types of development it is important to ensure that sufficient garden space is left for the frontage property. The scheme would result in the

total removal of the garden for the first floor flat, which is instead proposed to have a balcony and a winter garden; and a reduction in garden space for the ground floor flat. However, this would still be 11.3m deep, which is considered acceptable and broadly in line with the depth of properties in the vicinity, with remaining garden space for no. 25 at 14.2m; for no. 27 at between 10m and 22.6m; for no. 102 at just 7m; for no. 112 at 18.8m; and for 19 Mallory Road of 11m. Consideration of the garden space for the proposed dwelling will be had in the Standard of Accommodation section of this report.

- 8.13. The changes made during the course of this application were the result of a request by Officers raising concerns over design, neighbouring amenity and standard of accommodation. It is considered that the form of the proposed dwellinghouse is more traditional with two storeys to the front and single storey to the rear, with the exception of the porch to form the entrance lobby. Whilst it is recognised that the pitched roof was an attempt to fit in with the design of nos. 25b and 25c, the proposed flat roof greatly reduces the scale and massing of the proposed dwellinghouse, and allows for the provision of a green roof hidden behind a parapet detail. Whilst the single storey element, would be closer to the rear (western) boundary of the site, at between 1.2m and 1.6m distance, it incorporates a pitched roof with an eaves height of 2.4m to lessen the impact on the rear gardens of nos. 14 and 16 Rigden Road.
- 8.14. The scale of the dwellinghouse has been reduced such that it could not be set down much further into the site without unacceptably compromising the internal floor to ceiling height or undertaking extensive excavation, which would cause issues with providing level access into the property. As such, the proposed scale of the building is considered acceptable.
- 8.15. In terms of the views from the Rigden Road properties, the proposed dwelling would be visible. However, given the height of the two storey element at the rear elevation of 5.6m (nearly 7m from the rear site boundary) and distance from the rear conservatories of 14 and 16 Rigden Road of almost 40m, it is considered that it would not be particularly incongruous or visually intrusive.
- 8.16. The building is modern in design and this is reflected in the material palette; brickwork, grey self-finishing panels, white painted render, standing seam cladding and a green roof. It is recognised that the brick choice would be crucial in integrating the dwelling into its surroundings. Notwithstanding the colour shown on the elevational drawings, it has been recommended that a condition requiring approval of exact details of the materials.
- 8.17. It is recognised that changes would have to be made to the footway to incorporate a crossover and dropped kerb, and enlarge a driveway. These are discussed in more detail in the highways section of this report. These changes, including more bins, the new side gate and boundary treatment would indicate the provision of a dwelling to the rear, but conditions would be attached to any permission granted to ensure that their design would fit sufficiently well into the local context and would not jar with what is there already.

- 8.18. Regarding the changes to the frontage property, the provision of a front balcony and winter garden to the south side are welcomed and the changes, including the demolition of the two-storey side addition, to facilitate the replacement amenity space are considered acceptable. Details of the replacement front doors and windows in the canted bay, south side and rear elevations can be secured by condition, and would result in the restoration of the original window patterns. The installation of hanging tiles to the first floor, with the exception of the later addition to the north, would be a welcome improvement such that the subject property would better fit in with neighbours.
- 8.19. Overall, it is considered that the proposed development is of a high standard of design and would not have a significantly adverse impact on the character of the neighbourhood given its revised scale and massing, lack of visibility from Shirley Drive and materiality. As such, the revised scheme is considered acceptable in design terms.

Landscaping and Biodiversity:

- 8.20. Three trees are proposed to be removed due to allow for the construction of the proposed dwellinghouse to the rear of the site. However, only one of the three (tree 5) has been included within the Arboricultural Assessment. Given that it is a Category C tree and therefore low-quality, its removal is considered acceptable. It is recommended that a condition be imposed to require an Arboricultural Assessment to be submitted and approved in writing by the LPA in respect of the other two trees, prior to commencement of the proposed dwellinghouse, to establish whether they are worthy of retention and relocation within the site. It has been clarified that the street tree to the north of no. 23 would be retained.
- 8.21. Two trees (trees 1 and 4) would be affected by the proposed development, but the incursion of the hard landscaping on the Root Protection Area (RPA) would be 12.8m² (4.5%) and 5m² (17%), which is within acceptable tolerances and therefore the level of impact would be low, subject to a condition requiring the tree protection measures (fencing and temporary suspended walkway) detailed within the assessment to be employed prior to tree works taking place.
- 8.22. Two trees are proposed within the rear garden of the ground floor flat, but to ensure the development would not result in the net loss of trees, it is recommended that additional native tree planting is secured by condition as part of a wider landscaping scheme.
- 8.23. The ratio of hard to soft landscaping is weighted in favour of the latter, which is to be encouraged. An additional condition is recommended to ensure that hard surfacing is porous and / or permeable.
- 8.24. Whilst the new planting, pond and vegetable planters could help to deliver a biodiversity net gain on site in line with City Plan Part One Policy CP10 and the Environment Bill, bee and swift bricks are the Council's preferred measures and the relevant conditions are recommended.

Impact on Neighbouring Amenity:

- 8.25. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 8.26. The relevant considerations in respect of this application are sunlight, daylight, overshadowing, outlook, sense of enclosure, privacy, noise and disturbance.
- 8.27. Given the orientation of the site there is some potential for loss of light and an increase in overshadowing to 25b Shirley Drive and its front garden in addition to the rear garden of 16 Rigden Road. However, there are no windows in the south side of the former so there would be no impact in respect of loss of sunlight or daylight to any neighbouring windows. There would be only minor overshadowing of the gardens of both properties, and unlikely to be the areas in most use.
- 8.28. It is recognised that the proposed dwellinghouse would be visible from the windows of properties neighbouring the site. However, while there would be a change in outlook, it is not considered that there would be an adverse impact, particularly as no-one has the right to a view, and it would be almost 40m from the rear conservatories of 14 and 16 Rigden Road and some 20m from the rear window of the closest properties on Shirley Drive. These distances would also make it unlikely for the proposed dwelling to create an adverse sense of enclosure or be overbearing.
- 8.29. In terms of privacy, the ground floor windows would be less than 2m from ground level, which is the height of the existing boundary fence around the site, which is to be retained. The first floor windows would face west, towards the existing building, but as previously mentioned, this distance would be approximately 20m and would not be considered to result in an adverse impact upon privacy. The Juliette balconies to the first floor fenestration would be etched glass, which would prevent views in and out to the lower portion in any case. There would be some overlooking of neighbouring gardens, but this is to be expected in an urban area such as this and already occurs between the existing properties. The proposed green roof features an access panel, but this would be for maintenance only, which would not be often if it is installed properly. In any case, a condition shall be imposed preventing its use as an external amenity area.
- 8.30. Any views from the front balcony to the existing property would be to the street, which is currently overlooked and this is considered a positive in terms of active surveillance. Any views from the rear-facing window to the winter garden would be limited by the flank wall of 21 Shirley Drive to a small part of the garden to the ground floor flat of no. 23.
- 8.31. It is acknowledged that the proposed dwellinghouse would result in a more intensive use of the rear garden of no. 23. However, it is not considered that the increased use would result in significant noise and disturbance to adjacent residential occupiers.
- 8.32. It is considered necessary to restrict 'permitted development' rights to the dwellinghouses by condition to avoid any adverse impact upon neighbouring

amenity from any kind of extension or new opening (Classes A, B and C of Schedule 2, Part 1 of the GPDO).

- 8.33. As such, it is not considered that this proposal would have any additional impacts on neighbouring amenity and is therefore compliant with Policy QD27.

Standard of Accommodation:

- 8.34. 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.
- 8.35. 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.
- 8.36. The application proposes a three bed, five person dwellinghouse, which should have a Gross Internal Area (GIA) of 93m². It would have a GIA of 179m², which is therefore compliant as are the bedroom sizes. The floor to ceiling height at ground floor would be 2.44m and 2.3m at first floor, which is considered acceptable.
- 8.37. The total external garden area for the new house would comprise 376m², which is generous for a 3 bedroom house, and would be in excess of 21m wide by 12m deep.
- 8.38. A private amenity space in excess of 18m wide x 14m deep would be provided for the existing ground floor unit, which is considered ample and sufficiently useable. In terms of the new balcony to the frontage property, accessed from the hallway, this would provide in excess of 8m² of external amenity space at 4.1m wide by 2.3m deep, facing west to overlook Hove Recreation Ground. The winter garden, accessed from the kitchen / dining room, would face south and would provide 5.2m² of space at 1.6m wide by 3.3m deep. The Tongdean neighbourhood Urban Study notes that "All but the very north of the area is within 10 minutes' walk of a recreational space and children's play area, and about a third of all households are within 5 minutes' walk of such spaces." In this case, the property is also directly opposite Hove Recreation Ground.
- 8.39. In terms of outlook, ventilation and natural lighting, the proposed dwellinghouse has triple aspect to the north, west and south, thereby allowing for cross-ventilation. As such, all the units would have acceptable amounts of ventilation, outlook and natural lighting.

- 8.40. Access would be directly via a gate to the south side of the frontage property, but only for pedestrians and cyclists. This is considered legible, sufficiently wide, safe and could be illuminated.
- 8.41. As such, the proposed development is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27 and HO5 as well as point 8 of SA6 and point 6 of CP14 that requires the provision of outdoor recreation space appropriate to the demand the application would generate.

Highways:

- 8.42. The site is a 19 minute walk from Hove train station, or just four or eight minutes by car and bicycle respectively, as well as a two minutes' walk from the closest bus stops (served by six routes). As such, the development would be easily accessible by sustainable transport in addition to being well served by local services and community facilities on Old Shoreham Road, as required by points 4 and 5 of CP14.
- 8.43. The site is located in Controlled Parking Zone (CPZ) P, which only came into operation at the start of September 2019 and therefore there are still many permits available. Given that the permit uptake is low, it is not considered that this proposal should be made car-free (restriction of car parking permits) by condition. In any case, the proposal for a three bedroom dwelling is not considered to generate significant overspill parking on nearby streets or a significant increase in vehicle trip generation.
- 8.44. It is, however, noted that the application form incorrectly states that there are nine existing vehicles spaces on site, and 10 proposed. This is not the case. Three car parking spaces would, in fact, be provided, which is below the maximum car parking standard for the 'Outer Area', requiring four spaces, and is therefore considered acceptable in terms of car parking provision.
- 8.45. The proposed changes to the existing vehicle access arrangements onto the public highway are considered acceptable, subject to details of the new crossover and extended driveway being conditioned.
- 8.46. The minimum cycle parking standard for this development is two spaces and the location of the cycle store has been shown. Given that it is 1.55m deep by 2m wide, it is considered fit for purpose. As such, a condition is only required to secure its provision prior to occupation and its retention in perpetuity.
- 8.47. As regards refuse and recycling bins, these have been shown to the south side of the frontage property, both behind the side gate and in front of it. As they are close to the public highway for easy collection, no objection is raised to their location, subject to a condition to secure their location in perpetuity.
- 8.48. As such, subject to the imposition of suitable conditions, the impact on highways would be acceptable.

Sustainability:

8.49. City Plan Part One Policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development met those standards.

8.50. A Sustainability Checklist was provided that commits to the use of materials that have low embodied energy and that offer an enhanced durability with timber from certified sustainable sources. As such, the proposal would comply with point 6 of SA6 to promote and support environmental sustainability improvements to new buildings. The Council does not require back garden developments to achieve the Code for Sustainable Homes Level 5, or the equivalent of, now that it has been withdrawn.

Issues raised by consultation:

8.51. Issues regarding the value of homes and home working are not relevant planning considerations and therefore have not been taken into account in the determination of this application. It is also worth noting that Local Plan Policies QD1, QD2 and QD3 have been superseded, and that the area to the rear of the site between the Shirley Drive and Rigden Road properties is not designated as a wildlife corridor. Furthermore, there is no requirement for an application for a single dwelling to provide affordable housing.

9. CONCLUSIONS

9.1. The scheme makes a minor, but welcome contribution to the Council's housing targets through a family dwellinghouse offering a good standard of accommodation and high quality design, as well as sustainability and biodiversity gains. There are no significant impacts on neighbouring amenity that cannot be mitigated by condition and the other alterations are considered acceptable without compromising on highways safety. As such, this application is recommended for approval subject to conditions.

10. EQUALITIES

10.1. The proposed dwellinghouse would be suitable for use by wheelchair users or those with a mobility-related disability given that level access is provided within it and outside via a ramp.

