

<b><u>No:</u></b>	<b>BH2020/01899</b>	<b><u>Ward:</u></b>	<b>Wish Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>4 Tandridge Road Hove BN3 4LU</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing bungalow and erection of 2no two storey semi-detached dwellinghouses (C3).</b>		
<b><u>Officer:</u></b>	Michael Tucker, 292359	tel: <b><u>Valid Date:</u></b>	13.07.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	07.09.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Garrick Architects 36 Edburton Avenue Brighton BN1 6EJ		
<b><u>Applicant:</u></b>	Mr P Varghai C/o Garrick Architects 36 Edburton Avenue Brighton BN1 6EJ		

### RECOMMENDATION

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

#### Conditions:

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

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	2023-P-01		13 July 2020
Proposed Drawing	2023-P-02		13 July 2020
Proposed Drawing	2023-P-03		13 July 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 details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) details of render and tiling (including details of the colour of render/paintwork to be used)
- c) details of all hard surfacing materials
- d) details of the proposed windows and doors
- e) details of all other materials to be used externally

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

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

4 Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning

Authority. The scheme shall include the following:

- a) Details of all hard and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and 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, unless the Local Planning Authority gives written consent to any variation.

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 CP12 of the City Plan Part One

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

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

6 Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

7 The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and

the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, 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.

8 Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.

9 The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

10 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% CO<sub>2</sub> 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.

11 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.

12 The ground and first floor windows in the north and south facing elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

13 No extension, enlargement or alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - 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 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.

14 Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving) shall have been installed at the junction of and across Norman Road with Marine Avenue.

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

15 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.

16 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.

17 Three (3) swift brick(s)/boxes 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 Supplementary Planning Document SPD11 Nature Conservation and Development.

#### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2 The applicant is advised that the scheme required to be submitted by Condition 6 above should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

3 The applicant is advised to contact the Council's Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.

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

5 The water efficiency standard required under condition 11 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.

6 Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

7 Swift bricks/boxes can 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. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

## **SITE LOCATION & APPLICATION DESCRIPTION**

The application relates to a single-storey dwelling with accommodation in the roofspace on the western side of Tandridge Road, south of Wish Park in Hove. Tandridge Road is residential in character, with two-storey properties to the north and east of the application site, and a single-storey building to the south.

Planning permission is sought for the demolition of the existing bungalow and erection of 2no. two storey semi-detached dwellinghouses (planning use class C3).

The proposed building is identical in appearance to the previously approved permission on the site BH2018/02901 (extensions and alterations to existing bungalow to create 2 no new dwellings), which remains extant, though the current application seeks to demolish and rebuild the existing dwelling, rather than converting the building.

The application was deferred from consideration at Planning Committee on 17 September, as members raised queries about whether the bungalow had been split into two dwellings, which officers were unable to answer.

The number of dwellings contained within the existing building has now been investigated by officers. Council Tax records indicate that the building was subdivided into two self-contained dwellings prior to 1993. The applicant has confirmed that the building was sub-divided when it was purchased in 2002. The application has therefore been considered and the recommendation made on the basis that there are two existing dwellings on the site.

### **RELEVANT HISTORY**

**BH2019/01304** - Certificate of lawfulness for proposed conversion of existing garage into home office. Approved

**BH2018/02901** - Extensions and alterations including adding additional storey to existing bungalow to create 2no dwellings (C3). Approved

**PRE2018/00075** - Remodelling and extending of existing property including formation of an additional storey to create a second dwelling. Response issued

### **REPRESENTATIONS**

**Twelve (12)** letters have been received, objecting to the proposal for the following reasons:

- Additional traffic
- Noise
- Overdevelopment
- Overshadowing
- Too close to the boundary
- Loss of privacy
- Detrimental effect on property value
- Little consultation with residents
- Loss of view
- The existing building should be retained

### **CONSULTATIONS**

**Planning Policy:** No comment

**Sustainable Transport:** No objection

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives:

- Developer obligation for off-site highways works
- Reinstatement of redundant vehicle crossover
- Porous hard surfaces
- Cycle parking scheme
- Car free housing

**Housing:** No comment received

**Private Sector Housing:** No comment

**Environmental Health:** No comment received

## **MATERIAL CONSIDERATIONS**

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

The development plan is:

- o Brighton & Hove City Plan Part One (adopted March 2016)
- o Brighton & Hove Local Plan 2005 (retained policies March 2016);
- o East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- o East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- o Shoreham Harbour Joint Area Action Plan (adopted October 2019);

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.

## **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part 2

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
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP10 Biodiversity
- CP12 Urban design
- CP13 Public streets and spaces

CP14 Housing density  
CP19 Housing mix  
CP20 Affordable housing

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

TR7 Safe Development  
TR14 Cycle access and parking  
SU10 Noise Nuisance  
QD5 Design - street frontages  
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  
SPD11 Nature Conservation & Development  
SPD14 Parking Standards

## **CONSIDERATIONS & ASSESSMENT**

The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed dwellings and the impact of the proposal on neighbouring amenity. The standard of accommodation to be provided, transport implications and sustainability and are also material considerations.

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

The 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 four 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).

### **Principle of Development:**

The current application is identical to the previously approved and extant application BH2018/02901, save that it is now proposed to demolish and rebuild the existing dwelling rather than converting the building, and that it has subsequently come to light that there are already two dwellings on the site.

Nonetheless, the principle of the development and the use of the site for the purpose of two dwellings has therefore been established as acceptable.

Further, whilst the proposal would not result in the provision of an additional discrete residential unit, it would provide semi-detached houses, rather than flatted accommodation (where flats make up some 50% of the housing stock, compared to



21% for the South East), and three-bed rather than two-bed dwellings, improving the housing mix and choice available in the city, in accordance with Policy CP19 of City Plan Part 1.

On the basis of the existing building containing 2no. dwellings, Policy HO9 of the Brighton and Hove Local Plan would not apply as the proposal would not include the subdivision of existing residential units.

As such, is it considered that the proposal is acceptable in principle, subject to an assessment of other material planning considerations.

**Design and Appearance:**

The proposed dwellings would be of an identical appearance to those approved under the extant permission, which was considered acceptable.

As was previously the case, it is considered that the form, scale, height, roof form and materials of the proposed dwellings would not be out of keeping in the streetscene, in which two-storey semi-detached properties are an established feature. It is recommended to secure further details of external materials by condition.

**Impact on Amenity:**

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

Consistent with the previous application, it is considered that the proposal would not give rise to a significant harmful impact upon neighbouring amenity.

The proposed enlarged dwellings on the site would result in an intensification of residential activity, however any increase in noise disturbance as a result is unlikely to be significant or incompatible with the residential character of the area.

The neighbour to the north is set back from the boundary, with no south-facing windows. As such, it is not considered the development would result in a harmful, overbearing impact, or loss of light for this neighbour.

The neighbour to the south features a north facing window which serves as the only window to a bedroom. It is acknowledged that some harm by way of loss of light and outlook would result to this window. However, that property has two other bedrooms within the roof space, so this is not the only bedroom in this property. It is considered that the benefits of the scheme in the provision of a substantially improved standard of accommodation for the 2no dwellings on the application site mitigates for this slight harm, which when taken into the overall planning balance is considered not to warrant refusal of the application.

The proposed side-facing windows would serve secondary rooms or staircases. It is proposed that a condition is added requiring that these are obscure glazed to prevent overlooking of the northern/southern neighbours. The front and rear windows would not

give rise to closer or more intrusive views than are already available or are to be expected in a residential area such as this.

On this basis, and taking into account the extant permission on site, it is considered that the scheme is acceptable in terms of its impact on residential amenity.

**Standard of Accommodation:**

The proposed dwellings would each have an internal area of approx. 146sqm, with identical, albeit mirrored, layouts comprising a living room and kitchen/dining space at ground floor, and 3no bedrooms of 13.9sqm, 13.7sqm and 15.3sqm on the first floor and in the loftspace. Each habitable room would provide space for furniture and circulation, as well as access to natural light and outlook.

Each unit would have access to a rear amenity space in accordance with policy HO5.

It is therefore considered that the proposed dwellings would provide an acceptable standard of accommodation, in accordance with policies QD27 and HO5 of the Brighton and Hove Local Plan. The proposed dwellings would provide a substantially improved standard of accommodation compared to the existing dwellings on the site which are considered to provide cramped living environments due to their overall size and internal layouts.

Although not adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference when assessing the standard of accommodation provided by a new dwelling. With an internal area of 146sqm, each proposed dwelling exceeds the minimum of 108sqm for dwellings of a comparable three-bedroom, three-storey, six-person scale as set out in the NDSS.

**Sustainable Transport:**

The transport implications of the proposal are identical to the extant permission.

No cycle parking is proposed. A condition will be attached to secure the implementation of a policy compliant scheme for cycle parking.

In the absence of a parking survey to demonstrate the existence of sufficient on-street parking capacity, the Highway Authority considers that there would be insufficient spare capacity within the parking zone to accommodate the likely increase in demand resulting from the development, which could result in overspill parking. As such it is recommended that future occupants should not be entitled to a parking permit, this is to be secured by condition.

Pedestrian crossing improvements (dropped kerbs with paving and tactile paving) are requested at the junction of and across Norman Road with Marine Avenue. This is to improve access to and from the site to the various land uses in the vicinity of the site.

**Sustainability:**

Energy and water efficiency standards in accordance with policy CP8 of the City Plan Part One can be secured by condition.

**Other Considerations:**

Conditions requiring a bee brick and 3no swift bricks/boxes have 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.

The representations received have raised concerns that the statutory public consultation exercise was not properly carried out for this application. The LPA's records indicate that the statutory requirements and responsibilities for notifying neighbours as set out in the Development Management Procedure Order were followed. Concerns relating to a loss of property value do not form a material planning consideration.

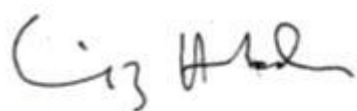
It is considered that any future extensions of the proposed dwellings would need to be carried out in a sensitive and considered manner to protect neighbouring amenity and the surrounding trees. A condition is therefore recommended to remove the permitted development rights of the proposed dwellings.

**Conclusion:**

The principle of development has been established through the extant permission BH2018/02901. The proposal is identical to this permission in all regards other than that it is now proposed to demolish and rebuild the existing building. This would not be contrary to the development plan and approval is therefore recommended.

**EQUALITIES**

None identified



Liz Hobden  
Head of Planning  
City Development and Regeneration

Signature of Reviewing Officer: Jane Moseley  
Dated: 21 September 2020

