

<u>No:</u>	BH2021/04397	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8 West Way Hove BN3 8LD		
<u>Proposal:</u>	Erection of an additional storey with ground floor extensions to create 2no two bedroom flats and 2no one bedroom flats (C3), enlargement of existing commercial unit and associated alterations.		
<u>Officer:</u>	Charlotte Bush, tel: 292193	<u>Valid Date:</u>	13.12.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	07.02.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Darby Architectural Ltd 84 Westbourne Street Hove BN3 5FA		
<u>Applicant:</u>	Mr Arif Essaji 16 Crown Hill Seaford BN25 2XJ		

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 Plan	01		13 December 2021
Proposed Drawing	P.01		13 December 2021
Proposed Drawing	02		13 December 2021
Proposed Drawing	P.02		13 December 2021
Proposed Drawing	P.03	c	17 March 2022
Report/Statement	Planning Statement		17 December 2021
Report/Statement	DAYLIGHT REPORT	X126	28 February 2022

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 all cladding and render (including details of the colour of render/paintwork to be used)
- b) details of all hard surfacing materials
- d) details of the proposed window, door and balcony treatments
- 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 and policy DM21 of City Plan Part Two.

4. The first floor residential units hereby approved shall not be first occupied until the louvered timber screens to the first floor terrace areas have been provided in accordance with the approved plan 03C. The terrace screens shall be maintained in accordance with the approved plans thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan and policies DM20 and DM21 of City Plan Part Two.
5. 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 City Plan Part One.
6. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using 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 City Plan Part One.
7. At least one bee brick shall be incorporated within the external wall of each dwelling 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.
8. At least four (4) swift bricks/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.
9. 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;

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 CP12 and CP13 of the Brighton & Hove City Plan Part One.

10. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development the redundant vehicle crossover next to the site's main existing pedestrian access shall be reinstated back to a footway by raising the existing kerb and footway, and thereafter retained as such.

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.

11. Prior to first occupation of the development hereby permitted, a car park layout plan, in accordance with SPD14 Parking Standards, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 the development provides for the needs of all occupants and visitors to the site, to ensure the provision of satisfactory facilities for all users of the car park including pedestrians and the mobility and visually impaired and to comply with policies TR7, TR12, TR14 and TR18 of the Brighton & Hove Local Plan and SPD14 Parking Standards and CP9 of the City Plan Part One.

12. Notwithstanding the proposal hereby permitted, prior to the first occupation of the development 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, SPD 14 Parking Standards and CP9 of the City Plan Part One.

13. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan

shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of amenity and road safety and to comply with policies TR7, SU3, SU5, SU8, SU9, SU10, SU11, SU12, QD27 and HE6 of the Brighton & Hove Local Plan and SA6, CP1, CP2, CP3, CP7, CP8, CP9, CP11, CP12, CP13 and CP15 of the City Plan Part One.

14. The development hereby permitted shall not be occupied until the new apartments hereby permitted has 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

15. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above 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.

16. 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 DM21

of the Submission City Plan Part 2, 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.

17. Other than where indicated on the plans hereby approved, access to the flat roofs of the property as extended shall be for maintenance or emergency purposes only and the flat roof 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, and Policies DM20 and DM21 of the Submission City Plan Part 2.

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 proposed highway works should be carried out in accordance with the Council's current standards and specifications and under licence from the 'S278 team'. The applicant should contact the 'S278 team' (s278@brighton-hove.gov.uk) at their earliest convenience to avoid any delay.
3. 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' which can be accessed on the DCLG website (www.communities.gov.uk).
4. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22. Or will also consider other proprietary forms of covered, illuminated, secure cycle storage including the 'slide cycle in' type cycle store seen in railway stations, the 'lift up door' type cycle store, the metal Police approved 'Secure-By- Design' types of cycle store, the cycle 'bunker' type store and the 'two-tier' type system again seen at railway stations where appropriate. Also, where appropriate provision should be made for tricycles, reclining cycles and 'cargo bikes'
5. The applicant is advised that on 22 November 2021 there was a Government announcement that in 2022 all development including new build and redevelopment would require electric vehicle charging points (EVCPs). As no details have yet been announced it is for the applicant to decide whether they

wish to pre-empt this advice and install EVCPs. The applicant is also advised that some user-classes (A, B, C and E for example) in SPD14 Parking Standards October 2016 already require the applicant to provide EVCPs in some circumstances. In those circumstances the applicant is also advised that they may also wish to consider installing both their 'active' and 'passive' EVCP provision to ensure they can provide compatible equipment. For any further advice and updates on EVCPs please contact your Planning Case Officer in the first instance.

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 6 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

- 2.1. The application relates to a single-storey building on the southern side of West Way, Hove, in a predominantly residential area. The site was formerly a doctors' clinic, prior to the opening of a replacement facility at Nevill Avenue, but is now in use as a dental surgery and nursery.
- 2.2. To the rear (south) of the site is Hove Medical Centre, accessed by an existing driveway which abuts the western boundary of the application site. Adjoining properties immediately to the west are typically detached residential bungalows, while to the east are two-storey semi-detached houses. Hangleton Library is directly opposite on the ground floor of a large three storey block of flats extending north along Kingston Close.
- 2.3. The site lies in close proximity to The Grenadier local centre which is well served by public transport.

3. RELEVANT HISTORY

- 3.1. **BH2010/03486** - Formation of additional storey at first floor level to create two 2no bedroom and two 1no bedroom residential units, ground floor extension at front and associated works. Refused 06/05/2011. Appeal Allowed. Costs Awarded.

- 3.2. Reasons for refusal:
1. The proposed development will result in a loss of amenity by reason of unacceptable overlooking to numbers 6 and 14 Westway and number 76 Dale View contrary to policy QD27 of the Brighton and Hove Local Plan 2005.
 2. The proposed development will not be located in a Controlled Parking Zone. In the absence of any mechanism to secure the scheme as car free development the proposed development will result in unacceptable impact on on-street parking in the area contrary to policies TR1, TR7 and TR19 of the Brighton and Hove Local Plan 2005.
 3. The proposed development by reason of its design, bulk, massing and materials in relation to the scale and appearance of the existing building would appear incongruous and represent an unduly dominant addition to the existing building contrary to policies QD2 and QD14 of the Brighton and Hove Local Plan 2005.
 4. The applicant has failed to demonstrate that the nursery facility existing on the site will be protected during the construction phase of the proposed development contrary to policy HO20 of the Brighton and Hove Local Plan 2005.
- 3.3. The appeal Inspector found the proposed development to be acceptable in all respects and costs were awarded to the applicant.
- 3.4. **BH2008/03276**: Additional storey above existing single-storey building to form 4 self-contained flats. Refused 17/12/2008.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission for the erection of a ground floor extension, along with an additional storey at first floor level above the existing single-storey dentist and nursery building. The additional storey would accommodate four self-contained flats (2 x 1-bed and 2 x 2-bed).
- 4.2. The proposed scheme would be similar in design, mass and scale to that in previous application BH2010/03486, which was allowed on appeal.

5. REPRESENTATIONS

- 5.1. Fifteen (15) letters has been received (including 5 duplicates), objecting to the proposed development for the following reasons:
- Inappropriate height of development
 - Noise
 - Overshadowing
 - Overdevelopment
 - Over looking and loss of privacy
 - Hazardous materials putting staff/children at risk
 - Inappropriate layout and density of building

- Restriction of view
- Smells
- Too close to the boundary
- Road safety/highway impacts and parking
- Reduction in community facilities (during construction works)
- Bin store next to nursery may attract vermin and could be used to store
- Loss of outdoor amenity space for the nursery
- Views into clinical rooms via velux windows, thereby reducing patient privacy
- Overlooking of children's facilities.

5.2. A letter of representation has been received from **Councillor Lewry** objecting to the proposed development. A copy of the representation is attached to the report.

6. CONSULTATIONS

6.1. **Private Sector Housing:** No comment

6.2. **Sustainable Transport:** No objection
Cycle parking facilities are offered as part of the scheme. However, a secure cycle parking condition and informative should be attached to improve the layout and security of the facilities.

6.3. No parking spaces are offered as part of this scheme. This is in line with SPD14 Parking Standards maximum and is therefore deemed acceptable in principle. However, a vehicle access is being extinguished and the car park reduced in size. Therefore we request that the Car Park Layout Plan condition and the Electric Vehicle Charging Point (EVCP) informative is attached to any permission granted.

6.4. The site is outside of a controlled parking zone so there is free on-street parking available. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore, in this instance we would not consider the lack of dedicated, for sole use only on-site disabled car parking to be a reason for refusal.

6.5. The site is in the Outer Area for public transport and is therefore adjudged to generally have not so good public transport provision when compared with other parts of the City. However, buses do run nearby, cycle parking facilities will be provided and there is also access to a taxi rank near by private hire vehicles and on-street 'car club' bays.

6.6. The increase in trip generation and impact on carriageways is not considered significant.

6.7. A DEMP/CEMP and associated commitments to address safety, amenity, and traffic impacts during demolition/construction of the development should be secured by condition.

- 6.8. Proposed Conditions:
- Reinstatement of Redundant Vehicle Crossing
 - Car Park Layout Plan
 - Hard surfaces
 - Cycle parking scheme
 - Demolition/Construction Environmental Management Plan (DEMP/CEMP)
- 6.9. **Urban Design** (verbal comment 09/03/2022): No objection
Roofscape is acceptable.
- 6.10. Proposed change in cladding to Prefa' Aluminium Cladding In 'Oak' is preferred to the Zinc cladding, but a return to the timber cladding would be favoured.
- 6.11. The balcony detailing on the north elevation is acceptable.

Urban Design (verbal comment 09/02/2022):

- 6.12. The roofscape highlights the stairwell tower and draws eyes to the vertical elements. It is a more convoluted roofscape than the previous scheme. The slight pitch on the previous scheme was more successful as the slope down was easier on the eye from the taller property one side to the smaller property on the other and generated a more dynamic roof form.
- 6.13. The switch from timber to zinc is resisted as it is a much darker material which will appear to increase the mass and bulk of the upper floor. The first-floor materials should also be laid horizontally as its current vertical nature will increase the perceived height of the upper floor. It will also contrast with the vertical element of the tower.
- 6.14. The height of the full width and full height doors needs to be disguised on the northern elevation it appears as if the cill heights are the same as the other windows (change balcony details from glass). A landscaping scheme should be sought.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. 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 JAAP (adopted October 2019).

7.3. 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.

8. POLICIES

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

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the principle of the development, the impact on the character of the area, the standard of accommodation, the impact on neighbouring amenity, and transport and sustainability issues.

9.2. The Officer visited the site and the neighbouring property 6 West Way on the 9th March 2022.

Principle of the Development:

9.3. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.

9.4. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).

9.5. 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).

9.6. The proposed development would result in the provision of a total of four new residential units comprising 2 x two-bedroom apartments suitable for three occupants, and 2 x one-bedroom apartments suitable for two occupants. This is of benefit to the delivery of housing supply to the City, which must be given significant weight in the planning balance.

9.7. The principle of the development has already been established through the approval, on appeal, of application ref. BH2010/03486 which allowed similar scheme. The Inspector dismissed all of the Local Planning Authority's reasons for refusal, which included the design and appearance of the building, impact on neighbouring amenity and transport issues.

9.8. At ground floor level the building currently comprises a dental surgery and children's nursery, both of which would be retained. The development includes a single-storey front extension which would provide improved access arrangements to the nursery, a buggy store and new soft play area. These additional and improved facilities are welcomed.

9.9. In principle, therefore, the proposal is considered acceptable.

Design and Appearance:

9.10. The application site is located in a neighbourhood where the prevailing character is created by semi-detached houses and bungalows in wide streets with grass verges which provides a domestic scale to the area. The southern side of West Way adjoining the application is reflective of this and comprises two-storey dwellings to the west and bungalows to the east, with land broadly sloping to the west.

9.11. A 2008 application for an additional storey to the building was refused as it was considered the additional storey would appear incongruous and represent an unduly dominant addition to the street scene. However, the appeal Inspectors for both the 2008 application and 2010 application found the design and scale to be acceptable. These conclusions are a material consideration in relation to this scheme.

9.12. The Inspector for BH2010/03486 considered *'due to its limited storey height and its partly set back flat-roof design, and thus its minimal mass, the first-floor extension, including the projection at the back, would respect the scale and massing of the existing building and its surroundings. The use of timber cladding and rendered panels would give the whole building a unified contemporary appearance. The completed building would provide a harmonious transition in the street scene in West Way, between the 2-storey pitched roof dwelling at 6 West Way on higher ground to the east and the pitched-roofed bungalow at 10 West Way on lower ground to the west. The scale would complement the 3-storey flats on the opposite side of West Way and the 1 1/2 storey medical centre at the back of the site.'*

9.13. The appeal Inspector therefore considered the design, scale, height and use of materials in the extension to be appropriate to the character and appearance of the wider area.

9.14. It should be noted that the plans for the scheme currently proposed have been amended over the lifespan of the application, to accommodate recommendations of the Council's Urban Design Officer. The most fundamental alteration was to the roofline so that it would remain similar to the pitch of the approved scheme. The proposed materials were also amended.

9.15. However, in essence this proposed development closely follows the previously approved scheme with some minor alterations to the approved scheme, which include:

- Changing the timber cladding to zinc cladding to the main structure (the stairwell would be clad in timber). The Urban Design Officer raised concerns regarding the colour of the zinc as its dark appearance could add to the perception of bulk, and its vertical configuration which could increase the perception of height. The agent has therefore proposed the use of 'Prefa' Aluminium Cladding In 'Oak' and the cladding would be laid horizontally. The Urban Design Officer considered the amendments acceptable
 - Full height and width patio doors on the northeast elevation instead of a window and partially glazed door
 - Rearrangement of windows on the southwestern elevation
 - An additional high-level window on the eastern elevation
 - Removal of sedum roof
 - Altering the terrace balustrade/screening materials
- 9.16. Taking into account the most recent Inspector's decision it is considered that there can be no objection to the additional storey in terms of height and mass, and the alterations to the materials and fenestration are not considered to cause harm to a degree that would warrant the refusal of this application.
- 9.17. The scheme also proposes some remodelling of the existing building at ground floor level to incorporate render and brickwork detailing, and a new single-storey extension to the front of the property. This design and detailing are considered appropriate in this location.
- 9.18. To soften the impact of the development and improve biodiversity provision on site, a landscaping scheme would be sought by condition.
- 9.19. For the reasons outlined the proposal is considered to comply with policies CP12 of the Brighton & Hove City Plan, QD5 and QD14 of the Brighton & Hove Local Plan, and DM18 and DM21 of the emerging City Plan Part 2. Policy DM21 can be given more weight in the planning balance than QD14 of the Brighton & Hove Local Plan.
- Standard of accommodation:**
- 9.20. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which now carries more weight than QD27) state 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. These policies aim to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the living spaces and bedrooms, once standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 9.21. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can

now be given significant weight. The standards provide a useful guideline on acceptable room sizes. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².

- 9.22. **Flat 1:** 2 bedroom apartment for 3 occupants: Semi-open plan lounge/kitchen/diner, family bathroom, double bedroom measuring 13.4m², single bedroom measuring 7.6m².
- 9.23. **Flat 2:** 2 bedroom apartment for 3 occupants: Open plan lounge/kitchen/diner, family bathroom, double bedroom measuring 14.3m², single bedroom measuring 8.9m².
- 9.24. **Flat 3:** 1 bedroom apartment for 2 occupants: Open plan lounge/kitchen/diner, bathroom, double bedroom measuring 13.4m².
- 9.25. **Flat 4:** 1 bedroom apartment for 2 occupants: Open plan lounge/kitchen diner, bathroom, double bedroom measuring 13.1m².
- 9.26. All four apartments meet the minimum space requirements for the number of bedspaces/occupiers and the inductive layout with furniture demonstrates that there would be a good level of circulation space and access to natural light and ventilation in the main living areas.
- 9.27. The windows to the bedrooms in the two-bedroom apartments are set at 1.7m high to prevent overlooking of neighbouring properties, but will still provide natural light, ventilation and outlook. There is no window to the kitchen area of flat 3. However, there is a window to the lounge area as well as an openable rooflight to provide additional ventilation.
- 9.28. The two-bedroom apartments also have access to a private terrace which is of benefit to these larger apartments which may be suitable for families. Whilst the one bedroom units would not have access to external amenity space, there are a number of public open space areas within easy reach of the site.
- 9.29. The standard of accommodation is therefore considered acceptable.

Impact on Amenity:

- 9.30. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state 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.
- 9.31. It is noted that living accommodation in 6 West Way has been altered since the decision on the BH2010/03486 appeal. The garage has been converted into living accommodation. There is now one side window on the ground floor side elevation but this is not a primary window as there are large patio doors to the

rear, and an obscure glazed window at 1st floor level. This is taken into account in the following.

- 9.32. As part of this application a Daylight & Sunlight Assessment has been submitted to assess the impact of the development on these adjoining properties. The information is based on guidance in the Building Research Establishment (BRE) publication 'BR 209: Site Layout Planning for daylight and sunlight: a guide to good practice 2011'. There are no apparent reasons to question the methodology of the submitted assessment.
- 9.33. The analysis indicates that light to ground and first floor windows to both adjoining properties would continue to exceed BRE recommended levels. It is therefore considered that whilst some loss of light would result the development would not cause significant harm for adjoining properties. Similarly in relation to sunlight the impact of the development should not be noticeable and the remaining level would be acceptable.
- 9.34. On this basis it is considered that the resulting harm would not be so significant as to warrant refusal of the application.
- 9.35. The previous appeal decisions considered that the set-back of the extension coupled with the distance between neighbouring properties to the west and the application site would ensure a generally open outlook would remain to properties on Dale View. It was further considered that the main outlook from adjoining properties on West Way is away from the application site with only oblique views available, and on this basis the development would not appear overbearing from these properties.
- 9.36. There have been no significant changes to the scale of proposed development or adjoining properties since the 2008 or 2010 appeal decisions. It is therefore considered that refusal of the application due to an overbearing impact would not be warranted and could not be sustained at a potential appeal.
- 9.37. The 2008 appeal decision and 2010 appeal decision considered the positioning of the windows, privacy screening, in conjunction with the distance retained to adjoining properties, would be sufficient to ensure no harmful overlooking of adjoining properties.
- 9.38. In the BH2010/03486 appeal, the Inspector concluded *'because of the siting and scale of the proposed privacy screening; the window positions in, and the internal arrangement of, the proposed flats; and their distance from the nearby dwellings and their gardens; harmful overlooking, including the perception of being overlooked, would not be likely to occur.'*
- 9.39. It is acknowledged that there would a small degree of overlooking, or perception of overlooking towards the rear garden of No. 6 West Way. However, this is not considered to be of a degree that would be unusual in a residential area such as this. A condition is recommended to ensure the screening is erected prior to first occupation of the proposed units.

- 9.40. Objections have noted the potential impact of building works, but these are not usually a material consideration unless the construction period is so long as to not be considered temporary in nature, which is not the case with this scheme.
- 9.41. Overall, the impact on neighbouring amenity is not considered to be significant and would not warrant the refusal of this application.

Sustainable Transport:

- 9.42. The development is considered acceptable in terms of its impact on highway capacity and road safety, with no objection raised by the Local Highway Authority, subject to the imposition of conditions.

Ecology

- 9.43. Policy CP10 of the City Plan Part One seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.44. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species. A condition requiring bee bricks and swift bricks is sought 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.
- 9.45. As already noted, a landscaping scheme would be secured by condition.

Sustainability:

- 9.46. 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. This will be secured by condition.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £ 22,365.27. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

11. EQUALITIES

- 11.1. The pedestrian access arrangements onto the adopted (public) highway would be altered to increase the width of the ramp to provide better disabled access to the ground floor. There is no lift to the first-floor accommodation, however, there is a large stairwell which could be adapted in the future if necessary.

12. CLIMATE CHANGE/BIODIVERSITY

- 12.1. The proposed development would make effective use of an existing site. The proposal also incorporates a number of measures that improve the efficiency of the development including cycle parking which reduces the reliance on vehicular transport, and conditions will secure the inclusion of nature improvements such as bee bricks and swift boxes and securing energy and water efficiency standards.

