

<b><u>No:</u></b>	<b>BH2022/02956</b>	<b><u>Ward:</u></b>	<b>Woodingdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To The Rear And Side Of 48 Lockwood Crescent Brighton BN2 6UG</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey two bedroom dwelling (C3) adjoining existing house, with associated works.</b>		
<b><u>Officer:</u></b>	Rebecca Smith, tel: 291075	<b><u>Valid Date:</u></b>	20.09.2022
<b><u>Con Area:</u></b>	None	<b><u>Expiry Date:</u></b>	15.11.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b>Agent:</b>			
<b>Applicant:</b>	Mr Russell Glover 53 Friar Crescent Brighton BN1 6NL		

## 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 **REFUSE** planning permission for the following reasons:

1. The building, by reason of its positioning on a prominent corner plot, and its site coverage, would be notably incongruous within this suburban area and significantly harmful to the spacious character of the neighbourhood. The scheme represents overdevelopment of the site, close to its boundaries, resulting in a cramped appearance, contrary to Policies SA6, CP12 and CP14 of the Brighton and Hove City Plan Part One.
2. The proposed scheme represents an overbearing and unneighbourly form of development which would result in an unacceptable sense of enclosure and loss of outlook for residents of 48 Lockwood Crescent, as well as unacceptably reducing the outdoor amenity space available to this three-bed dwelling, contrary to policies DM1 and DM20 of the City Plan Part Two.
3. The outlook and natural light available to bedrooms within the proposed dwelling would not be sufficient to provide an acceptable standard of accommodation for future occupiers. In addition, insufficient usable outdoor amenity space would be provided to serve the proposed three-bedroom family dwelling. The proposal is therefore contrary to policies DM1 and DM20 of the City Plan Part Two.

### 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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	0001		20 September 2022
Block Plan	0102		20 September 2022
Proposed Drawing	0110		20 September 2022
Proposed Drawing	0111		20 September 2022
Proposed Drawing	0131		20 September 2022
Proposed Drawing	0132		20 September 2022
Proposed Drawing	0133		20 September 2022
Proposed Drawing	0134		20 September 2022
Proposed Drawing	0135		20 September 2022
Proposed Drawing	0136		20 September 2022
Proposed Drawing	0137		20 September 2022
Proposed Drawing	0138		20 September 2022
Proposed Drawing	0141		20 September 2022

## 2. SITE LOCATION

- 2.1. This application relates to a plot located on the corner of Nolan Road (to the north), Lockwood Crescent (to the west), and Batemans Road (to the east), forming the side and rear garden of 48 Lockwood Crescent, a two storey, semi-detached single dwellinghouse with a pitched roof. The rear part of the site contains a single detached garage and has been separated from the main garden of no.48 by closed boarded fencing. Ground levels slope upwards from west to east, with Batemans Road set higher than Lockwood Crescent.
- 2.2. Lockwood Crescent predominantly consists of two-storey semi-detached houses, and the prevailing character of the area is strongly suburban, with spacious street scenes comprised of planned uniform plots with consistently generous gardens. Corner properties benefit from additional spaces between buildings and side boundaries. This is also strongly expressed on the Nolan Road and Batemans Road street scenes. Opposite the site is Lockwood Close, a series of blocks of three storey flats.

## 3. RELEVANT HISTORY

- 3.1. **BH2021/04358** - Erection of a single storey three bedroom attached dwelling (C3) and associated works. Refused 01.04.2022 for the following reasons:
1. *The building by reason of its positioning on an important and prominent corner plot, and its site coverage, would be notably incongruous within this suburban character of the area and significantly harmful to the spacious character of the neighbourhood. In addition, the works would appear as an overdevelopment of the site and due to the close proximity to the site boundaries it would appear crammed-in. The former side garden of 48 Lockwood Crescent is not considered suitable as a plot for a new dwelling.*

*The proposal is therefore contrary to Policies SA6, CP12 and CP14 of the Brighton and Hove City Plan Part One.*

2. *The proposed scheme represents an overbearing and unneighbourly form of development, which would impinge on the garden boundary of 48 Lockwood Crescent. The development would result in a significant sense of enclosure for the occupiers of this property contrary to policy QD27 of the Brighton and Hove Local Plan and DM20 of the submission City Plan Part 2.*
3. *The bedrooms within the proposed dwelling, would not have sufficient outlook or natural light, and two would have limited floor area, thereby providing a poor standard of accommodation for future occupiers. In addition, insufficient usable outdoor amenity space would be provided to serve the proposed 3-bedroom family dwelling and the remaining rear garden area for no. 48 would be very constrained to serve the existing 3-bedroom family dwelling. The proposal is therefore contrary to Policies QD27 and HO5 of the Brighton and Hove Local Plan and policy DM1 of the emerging City Plan Part Two.*

3.2. **BH2020/02875** Erection of a single storey three bedroom attached dwelling (C3) and associated works. Refused 26.03.2021 for the following reasons

1. *The proposed self-contained dwelling, by reason of its positioning on an important and prominent corner plot, and its site coverage, is considered to be substantially incongruous with and harmful to the prevailing spacious character of the neighbourhood, thereby failing to maintain a coherent townscape. In addition to its cramped appearance, it would overdevelop this site given the resultant increase in density. The proposal is therefore contrary to Policies SA6, CP12 and CP14 of the Brighton and Hove City Plan Part One.*
2. *The bedrooms within the proposed dwelling, by reason of their windows being positioned close to a tall boundary fence, would not have sufficient outlook or natural light, and two would have limited floor area, thereby providing a poor standard of accommodation for future occupiers. In addition, insufficient usable outdoor amenity space would be provided to serve the proposed 3-bedroom family dwelling and the remaining rear garden area for no. 48 would be very constrained to serve the existing 3-bedroom family dwelling. The proposed dwelling would also result in loss of outlook and sense of enclosure for the occupiers of no. 48 given the proximity of the proposed dwelling to the boundaries and limited garden space to that property. The proposal is therefore contrary to Policies QD27 and HO5 of the Brighton and Hove Local Plan.*

3.3. **BH2017/02254** Erection of two storey side extension with extension to roof over. Demolition of single garage and erection of double garage to rear. Refused 1 September 2017 because the proposed development, by reason of its positioning on an important spacious corner plot, is considered to be overly prominent within the locality and an overdevelopment of the site which would be detrimental to the open character of the area. In addition, the proposed side

extension, by reason of its overall scale, hipped roof and projection beyond the rear building line relates poorly to the host building. The proposal is therefore contrary to policy QD14 of the Brighton and Hove Local Plan.

- 3.4. Pre-application advice (PRE2017/00047) and advice was issued on 15 May 2017 as follows:
- The proposed development remains unacceptable given the similarities with previous schemes and the failure to address reasons for refusal, with the proposed outbuilding resulting in the site appearing further cramped and overdeveloped by virtue of the cumulative ground coverage;
  - The application does not address the second and third reasons for refusal of BH2011/02798, and it exacerbates the overbearing impact on no. 48 Lockwood Crescent and compounds the overshadowing of the front rooms in the proposed dwelling;
  - The amount of off-street parking would be acceptable, but cycle parking has not been shown; and
  - In summary, previous planning refusals indicate that the proposal to construct an additional dwellinghouse in this location is unacceptable in principle.
- 3.5. **BH2011/02798** : Erection of two storey 2no bed house adjoining 48 Lockwood Crescent. Refused 8 November 2011
- 3.6. **BH2010/03839** : Erection of 2no storey, 2no bedroom house adjoining 48 Lockwood Crescent. Refused 6 April 2011
- 3.7. **BH2007/00282**: Erection of a two storey end of terrace house. Refused 13 April 2007 and appeal dismissed 21 November 2007

#### **4. APPLICATION DESCRIPTION**

- 4.1. The current application seeks the erection of a single storey three bedroom dwelling (Use Class C3) attached to the side of 48 Lockwood Crescent and extending to the rear, with associated works. The application follows the refusal of a range of previous applications for development of this area (see planning history above).

#### **5. REPRESENTATIONS**

- 5.1. A letter of representation supporting the scheme has been received from Councillor Dee Simpson and is attached.

#### **6. CONSULTATIONS**

Internal:

- 6.1. **Transport** : No Objection subject to the inclusion of the necessary conditions and informatives:

- Reinstatement of Redundant Vehicle Crossing
- Cycle Parking Scheme

External:

6.2. **Southern Water: Comment**

A public sewer could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before works continue on site.

**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 City Plan Part Two (adopted October 2022);
- 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)

**8. RELEVANT POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA6	Sustainable Neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP14	Housing density

Brighton & Hove City Plan Part 2:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Urban Drainage

DM44 Energy Efficiency and Renewables

Supplementary Planning Documents

SPD03 Construction and Demolition Waste  
SPD06 Trees and Development Sites  
SPD11 Nature Conservation and Development  
SPD14 Parking Standards  
SPD16 Sustainable Drainage

**9. CONSIDERATIONS & ASSESSMENT**

9.1. The main considerations in the determination of this application relate to the principle of development, the design and impact on the character and appearance of the area, the impact on neighbouring amenity, the standard of residential accommodation and the impact on the highways network.

**Principle of Development :**

9.2. 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. 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). 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).

9.3. The provision of a single dwelling would make a welcome, albeit minor contribution to the city's housing supply.

Design and character and appearance

9.4. Policy CP12 of the Brighton and Hove City Plan Part One sets out the design criteria for applications of this nature. This policy requires proposals to raise the standard of architecture and design and respect the character of the city's identified neighbourhoods. The NPPF states that good design is a key aspect of sustainable development, and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings. The new dwelling must respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan.

- 9.5. The concept of the proposal follows that of the previously refused scheme (BH2021/04358) as a single storey side building attached to the northern elevation of 48 Lockwood Crescent. The length of flank of the building has been reduced by approximately 1.5 metres from the previous application and would now extend approximately 16m in length parallel to the side boundary fence. A gap of at most 1 metre would remain between the dwelling and the northern boundary fence to Nolan Road. The building would be set back by 500mm from the front elevation of 48 Lockwood Crescent. This is similar to the previously refused scheme.
- 9.6. The Local Planning Authority have been clear and consistent in the assessment of development of the former garden space of this property. Previous applications (both for side extensions and for new dwellings) highlighted that the concerns around infilling the space between the property and boundary with Nolan Road and overdeveloping the site.
- 9.7. It is clear that the proposed dwelling would once again be sited close to the boundary and infill the majority of the space between no. 48 and Nolan Road. Only one of the four previous refused applications was appealed (ref. APP/Q1445/A/07/2051151). In this appeal the Inspector raised opinion: "This vacant side space contributes to the overall feeling of spaciousness in the area, and I saw other similar examples of spaces at corners which contribute to this pleasant character. If this space were filled as intended, this character would be harmed, and the effect would be apparent from Nolan Road and parts of Lockwood Crescent and possibly Batemans Road." It was concluded that "the proposal would constitute an overdevelopment of the site which would prejudice the character and appearance of the area by harming spaciousness."
- 9.8. Further to the above, it is noted that no other new 'infill' residential properties have been approved on any similar corner plots within the immediate locality. The spacious and open garden form of these corner properties, in particular contribute to the character of this immediate area. As such, using most of this plot for a self-contained residential unit would be incongruous and harmful to the prevailing spacious character of this neighbourhood. It is considered it would result in an overly cramped form of development and for this reason, there remains an objection to developing the former garden to provide a separate self contained dwelling.
- 9.9. Turning to the specific design of the proposal, the key design difference between this proposal and the previous proposal is that the length of the flank along Nolan Road has been reduced by approximately 1.5 metres and a flat roof is now proposed for this element of the development. Plans show this is to be a sedum roof. The second key difference is the introduction of two inset 'open courtyards' adjacent to the bedrooms to provide additional outlook and light which slightly reduces the building mass. The site would be excavated, and the height of the flat roof would mostly be below that of the side boundary fence. The combination of these elements would make the development less visually intrusive than the previous scheme, although the significant excavation required is another indication of the building failing to respond to the site characteristics. As with the previous scheme, the rear element of the proposal is for a mono-pitched roof

which would terminate higher than the flat roof element. This would contain the open plan living area and open out into a rear garden area.

- 9.10. Despite the claims within the application that the sedum roof would make the development undetectable as a new house, it would be visible from public vantage points and is considered to result in an incongruous addition to the neighbourhood. The building would be set down; however it would still be quite prominent and readily viewed, particularly from the higher ground from the east. The amount of site coverage, including hard landscaping from the front building line to the rear fence, would not be characteristic of the locality, and the design, appearance and site coverage would clearly indicate its use as a separate dwelling, not a domestic extension.
- 9.11. The design approach and pallet of materials (zinc and larch screening) would give the design a modern appearance, which would contrast sharply with brown brickwork, tile cladding and pitched roofs of the 1970s housing. Good modern design is acceptable in some instances, but in this case cannot overcome the concerns regarding the overdevelopment of the site and the impact on the surrounding area, with the proposed new dwelling appearing out of character with the suburban grain of this area of Woodingdean.
- 9.12. In summary, whilst it is recognised that the proposed dwelling would contribute to the Council's housing target, and which must be given weight in favour of the development, the benefits of a single unit towards the housing target are not considered to outweigh the significant harm that has been identified to the character of the immediate locality. The introduction of a new dwelling to this garden adjacent to 48 Lockwood Crescent would be highly detrimental to the prevailing character of the area. As recognised in the numerous previous applications, and in a previous assessment by the Planning Inspectorate, the excessive level of site coverage is inappropriate and as such, the proposal is contrary to Policies SA6, CP12 and CP14 as well as NPPF paragraphs 124 and 127.

**Proposed Standard of Accommodation:**

- 9.13. 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. These space standards have now been formally adopted into the Brighton & Hove City Plan Part Two Policy DM1 and, as such, they can be given full weight.
- 9.14. It is noted that there are some minor differences between this scheme and the previously refused scheme BH2021/04358, most notably one of the bedrooms being replaced with a 'study'. The garden is also slightly varied by way of a revised landscaping arrangement.
- 9.15. The two bedroom, three person dwelling over a single storey with a Gross Internal Area (GIA) of 79sqm is overall compliant with the NDSS GIA minimum requirement of 61sqm . Whilst the size of the main double bedroom is sufficient (12.6sqm) as is bedroom 2 (9sqm), the size of the study (6.5sqm) would be too



small to ever be considered a bedroom as it falls below the 7.5 minimum required. The open plan living area is considered to be a good size.

- 9.16. There is however concern about the fenestration within the bedroom wing of the proposed dwelling, all three habitable rooms feature north-facing windows looking straight at a boundary fence which would be higher than the windows themselves. Given that the fence is, at most, 95cm away, all three rooms would suffer from poor outlook and natural light, from these windows. The standard of accommodation, particularly in terms of outlook is considered poor and symptomatic of an overdevelopment of the site. It is further noted that were the fence not there then there would be privacy concerns for future occupiers of the proposal and there is no option to switch the windows to the other side due to the 48 Lockwood Crescent adjoining the dwelling.
- 9.17. Policy DM1 of CPP2 requires the provision of private useable amenity space in new residential development where it is appropriate to the scale and character of the development. Two external amenity spaces are provided for the new dwelling in the form of a small front garden and a rear garden. They are however far smaller than amenity space you would expect for the suburban location. As discussed above, the limited amount of garden space in relation to the building is uncharacteristic for the area.

**Impact on Neighbouring Amenity:**

- 9.18. Policy DM20 of the City Plan Part Two 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.
- 9.19. A site visit has not been undertaken in this instance however, the impacts of the proposal can be clearly assessed from the plans provided and from recent site photos.
- 9.20. The main impact on the proposal would be on 46 and 48 Lockwood Crescent, although the development would be visible across the road from no. 50 and visible from several other properties. Any overshadowing and loss of sunlight resulting from the proposed dwelling would be to the north, so either to its own gardens or to the highway, and therefore no harm would arise. In terms of daylight, it is not expected that the proposal would have such an adverse impact that it would warrant refusal of this application.
- 9.21. Regarding privacy, the bedroom 'wing' north-facing windows would all face a fence and therefore do not provide any opportunities for overlooking. All other windows and doors face onto the proposed dwelling's external amenity space and are sited an appropriate distance from surrounding properties to prevent any significant harm.
- 9.22. The development would have the most impact on the occupiers of no. 48 Lockwood Crescent. The formal sub-division of the rear garden and erection of a new dwelling would reduce outlook from the ground floor windows and doors to the rear elevation and would have a significant increased sense of enclosure

on this property. It is noted that plans show that the depth of the rear garden of no. 48 would be 'enlarged by 1m' by moving the existing boundary site to the rear. It is not clear when the rear part of this garden area was annexed from the main house.

- 9.23. Whilst enlarging the existing garden of no.48 in this manner would be a benefit to the occupiers of the property, given the proposal is for a wrap-around building which would occupy almost the whole length of the northern and eastern boundaries of the rear garden, it would result in an unacceptable sense of enclosure which would not be off-set by moving the fence by 1.5 metres. The proposal would therefore be contrary to policy DM20 causing significant harm to the occupiers of this property.
- 9.24. The new dwelling would invariably result in additional comings and goings to this site. With access in to the site by pedestrians only, this is not considered to result in any materially adverse impact in respect of noise and nuisance caused to neighbouring residential properties to warrant refusal. As such, this aspect of the proposal complies with Policies DM20 and DM40.

#### **Highways:**

- 9.25. The application proposes a car-free development. Due to its suburban location, the site is not particularly well-served by public transport although there are bus stops between a four and a 10 minute walk away, served by three bus routes (nos. 2, 22 and 72A). It is generally considered future occupiers would be mostly reliant on their own motor vehicle.
- 9.26. The Woodingdean neighbourhood is not covered by a Controlled Parking Zone (CPZ) and therefore vehicles can park on-street. It is considered that any overspill parking generated by the new house would not lead to an adverse impact on the current parking situation or significantly increase trip generation on the local highway network.
- 9.27. In terms of cycle parking, the minimum required by SPD14 is two spaces. A store is proposed, and further details would have been secured by condition had this application been found to be otherwise acceptable.
- 9.28. The development would result in the loss of the previous garage on the site and the Highways Team have requested that the redundant crossover should be removed, and footway reinstated for the benefit of all a highway users and this would need to be secured by condition. Direct pedestrian access would be provided to the proposed dwelling from Nolan Road, which is considered acceptable.

## **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 £6,131.59.

## **11. CONCLUSION**

- 11.1. As previously, it is considered that the introduction of a new dwelling in this location would be incongruous with and would jar with the prevailing open and spacious character of this neighbourhood, thereby failing to maintain a coherent townscape. The proposal would appear cramped within the plot and is considered an overdevelopment of this site. The proposed dwelling would also provide a poor standard of accommodation and would compromise the amenity of the existing dwelling at no.48 Lockwood Crescent.
- 11.2. As such, it is contrary to Policies SA6, CP12, CP14, DM1 and DM20 as well as paragraphs 124, 127 and 130 of the NPPF. The adverse impacts of approving this application would significantly and demonstrably outweigh the benefits of providing a single housing unit, when assessed against the policies in the NPPF taken as a whole. As such, this application is recommended for refusal.

## **12. EQUALITIES**

- 12.1. Ramped access is proposed from both pedestrian entrances, allowing it to be accessible to wheelchair users and those with a mobility-based disability.

## **13. BIODIVERSITY AND CLIMATE CHANGE**

- 13.1. The proposed works would create a new dwelling within an existing garden area. The garden, in a suburban location, is unlikely to have any intrinsic biodiversity value and the development would make a more efficient use of the site.
- 13.2. The sustainability statement indicates the use of modern materials and efficient building techniques and the use of a sedum roof. The proposal would utilise microgeneration technology through solar panels.
- 13.3. Had the development been considered acceptable. bee and swift bricks could be secured by condition to enhance biodiversity outcomes for the site and a condition to meet sustainability standards for water and energy efficiency.

