

ITEM E

2 Baywood Gardens, Brighton

**BH2014/03113
Full planning**

10 DECEMBER 2014

BH2014/03113 2 Baywood Gardens, Brighton



**Brighton & Hove
City Council**



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<u>No:</u>	BH2014/03113	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	2 Baywood Gardens Brighton		
<u>Proposal:</u>	Demolition of garage and erection of 1no. three bedroom, detached dwelling.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	25 September 2014
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	20 November 2014
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	SDR Designs, 14 Batemans Road, Woodingdean, Brighton BN2 6RD		
<u>Applicant:</u>	Mr & Mrs Paul Simson, 2 Baywood Gardens, Brighton BN2 6BN		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a strip of garden on the corner of Baywood Gardens and Midway Road. The site comprises a two storey detached house at the north end, and a detached double garage with a barn-hip roof to the south. The southern end of the land previously accommodated an unauthorised mobile home, however, this has since been removed.
- 2.2 The site and surrounding area are residential in character. The ground level slopes up to the north from Midway Road. The street scene in this locality is characterised by bungalows, chalet bungalows and two storey detached houses set back from the road with detached garages to the side and areas of private amenity space at the rear.

3 RELEVANT HISTORY

- 3.1 None

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing garage and the erection of 1 no. three bedroom, detached dwelling.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Nine (9) letters of representation have been received from **1 (x3), 3 (x4), 5 Downsvie Avenue, and 28 Portland Avenue** objecting to the application for the following reasons:

- Overdevelopment of site;
- Property too close to highway;
- Design does not relate to surrounding area;
- Overlooking and loss of privacy to properties on Downsvie Avenue;
- Loss of light to properties on Downsvie Avenue;
- Previous siting of mobile home had no planning consent;
- No clarity on proposed off street parking;
- Party wall issues with existing garage.

Occupant at **5 Baywood Gardens** has commented on the application:

- Would like to see a restriction to building work times if permission granted.

Internal

Access:

5.2 There should be suitable side transfer space to the entrance level WC. (1m from centre line of WC to wall) One of the first floor WCs also needs to have the side transfer space and also 1100mm clear space in front of the WC.

Transport:

5.3 The Highway Authority has no objections to the proposals to demolish the existing garage and provide a single residential unit in its place.

While the proposals will increase trip generation above existing levels. The increase is not considered to have a significant impact upon the highway network above existing permitted levels.

The applicant is proposing 1 off-street car parking space accessed from the existing crossover on Baywood Gardens. The applicant is also providing a separate cycle store in the garden which its implementation should be secured via condition.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.2 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.3 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.4 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontage
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposal development, the suitability of the site to accommodate an additional dwelling having regard to the affect upon the character of the area and neighbouring and future residential amenity. An assessment will also be made of the issues relating to transport and sustainability.

Principle of development and Impact on character of the area:

- 8.2 The proposal seeks permission for one detached property in the garden of the application site. Guidance contained within the National Planning Policy Framework defines sites such as this as greenfield land rather than previously developed brownfield land. This definition places the onus on Local Planning Authorities to determine whether the development of such sites would be harmful to the character of an area, and to determine planning applications for new development accordingly.
- 8.3 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.
- 8.4 Proposals for garden development will always need to be rigorously examined in respect of the impact of the surrounding area and its impact on amenities. Special attention will be paid to the design and quality of spaces between buildings. Local plan policies remain applicable; policies QD3 and HO4 can support planning permission for additional residential development, including development on previously un-developed gardens providing that the proposed building responds well to the character of the area, does not harm neighbouring occupiers, and is acceptable in all other respects. These aspects

will be examined in the following sections of this report.

- 8.5 The proposed dwelling would replace an existing double garage and would be positioned close to the junction with Baywood Gardens and Midway Road. This part of the land is set at a lower level than the existing detached house of the site with the remaining private garden space for the existing house set in between.
- 8.6 Brighton & Hove Local Plan Policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area. Policies QD3 and HO4 both seek to prevent the overdevelopment of sites that would result in 'town cramming'.
- 8.7 The proposed design reflects that of the local context in respect of the use of materials and the hipped roof with gable ends. The height of the building is considered to sit comfortably in its setting. The proposed dwelling would be sited closer to the street than the other neighbouring properties which have substantially larger front gardens. However the land tapers on this site and so a dwelling positioned here would be expected to be sited closer to the street.
- 8.8 The footprint of the proposed dwelling would cover much of the site which is to be allocated to the proposed unit. The footprint of the dwelling appears excessive and uncharacteristic in the context of the pattern of surrounding development. In terms of built form, the scheme would incorporate a large gable end side wing which would elongate the property into the southern end of the site. The bulk of the dwelling, together with the excessive footprint would create an incongruous feature in the street scene, which would be out of character with the pattern of development. The neighbouring properties are generally set in more spacious plots, and the proposed development, in terms of its scale and site coverage, is considered an inappropriate development in excess of what might reasonably be expected to be achieved on this limited plot site. Consequently the proposal represents an over-development of the site to the detriment of the character of the area. As such it would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

Standard of Accommodation:

- 8.9 Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should comply with the standards. The applicant has submitted adequate details to demonstrate that the dwelling will adequately accord to Lifetime Home Standards.
- 8.10 Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. The proposed dwelling is considered to provide an adequate standard of living accommodation which is suitably laid out internally and provides adequate levels of outlook, privacy and natural light.
- 8.11 Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The

proposed dwelling would have three bedrooms and as such is capable of being occupied by a family. The site is situated in a suburban area where properties generally benefit from generous private amenity provision.

- 8.12 The provision of outdoor amenity space is smaller than is characteristic for this location, where surrounding development generally benefit from reasonably sized private rear amenity space. The excessive footprint of the proposed dwelling has compromised the amount of amenity space proposed. On balance, however, it is considered that the comparatively small size of amenity space would not be considered so significant as to warrant refusal of the application in this regard. However this does further highlight the concerns of over development on this site.
- 8.13 Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The scheme makes provision for the refuse storage within the garden and there is also a proposed cycle parking store in the garden, details of which can be conditioned if the scheme was considered acceptable in all other respects. .

Impacts on Amenity of Adjacent Occupiers:

- 8.14 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15 The proposed dwelling would be sited close to rear gardens of neighbouring properties on Downsview Avenue. The distance between the existing garage and the boundary line of no. 3 Downsview Avenue is approximately 1.1m. The proposed dwelling would be approximately 0.25m closer to the boundary and it would also stretch the width of the boundary of this neighbouring property as well as part of the boundary line of no. 1 Downsview Avenue. The proposed dwelling would have a larger form and height than the existing detached garage and so it will be more visibly prominent for the occupiers of these neighbouring properties. The properties on this side of Baywood Gardens have relatively small rear garden areas and so the properties are set close to the rear boundary lines of neighbouring properties on Downsview Avenue. Notwithstanding this, the proposed dwelling would project closer to the boundary with the properties of Downsview Avenue compared to the existing dwelling. Given the scale, positioning, footprint and height it is considered that the proposed development would have an un-neighbourly impact on residential amenity by reason of building bulk and loss of light.
- 8.16 The proposed first floor rear elevation window would have the potential for views towards the rear gardens of properties on Downsview Road. This is proposed to be a landing window could therefore consist of obscure glazing and be fixed shut, which could be controlled by a planning condition in the event that planning permission is granted. .

8.17 The proposal would result in a reduction in size of the rear garden of the existing dwelling at 2 Baywood Gardens. However, the remaining private garden space would be of a sufficient size for a family dwelling, and so it is not considered a significant impact on amenity in this instance.

Transport issues:

8.18 The site is not situated within a controlled parking zone (CPZ). The proposal would result in the loss of car parking spaces within the existing garage. One off-street car parking space would be accessed from the existing crossover on Baywood Gardens for the proposed dwelling. This is considered to be an acceptable arrangement.

8.19 Sustainable Transport have been consulted and have raised no objection to the scheme. Whilst the proposals would increase trip generation above existing levels. The increase is not considered to have a significant impact upon the highway network above existing permitted levels.

8.20 As above, the proposed cycle store would be acceptable subject to further details required by condition.

8.21 Overall the proposal is considered to be in accordance with policies TR1, TR7 and TR19.

Sustainability:

8.22 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of proposed sustainability credentials of the scheme must be set out in a Sustainability Check list submitted with the application.

8.23 The applicant has proposed code level 5 within the submitted Sustainability Check list which is considered acceptable subject to appropriate conditions.

9 CONCLUSION

9.1 The proposed dwelling, by virtue of its scale and footprint coverage, is considered an inappropriate development in excess of what might reasonably be expected to be achieved on this limited plot site. Consequently the proposal represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

10 EQUALITIES

10.1 The dwelling would be required to be built to meet Lifetime Home Standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed dwelling, by virtue of its excessive scale, mass, bulk, footprint and site coverage, is considered an inappropriate visually intrusive development that would represent an incongruous form of development that would be out of character with the pattern of surrounding development. Consequently the proposal represents an over-development of the site to the detriment of the surrounding area. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2. The proposed dwelling, by virtue of its excessive scale, mass, bulk and positioning, would represent an overbearing development that would have an un-neighbourly impact to the detriment of the amenities of the occupiers of neighbouring properties. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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
Proposed floor plans and elevations	1252014/01	A	04 November 2014
Proposed site layout	1252014/02	A	04 November 2014
Existing site plan and elevations	1252014/03		25 September 2014