

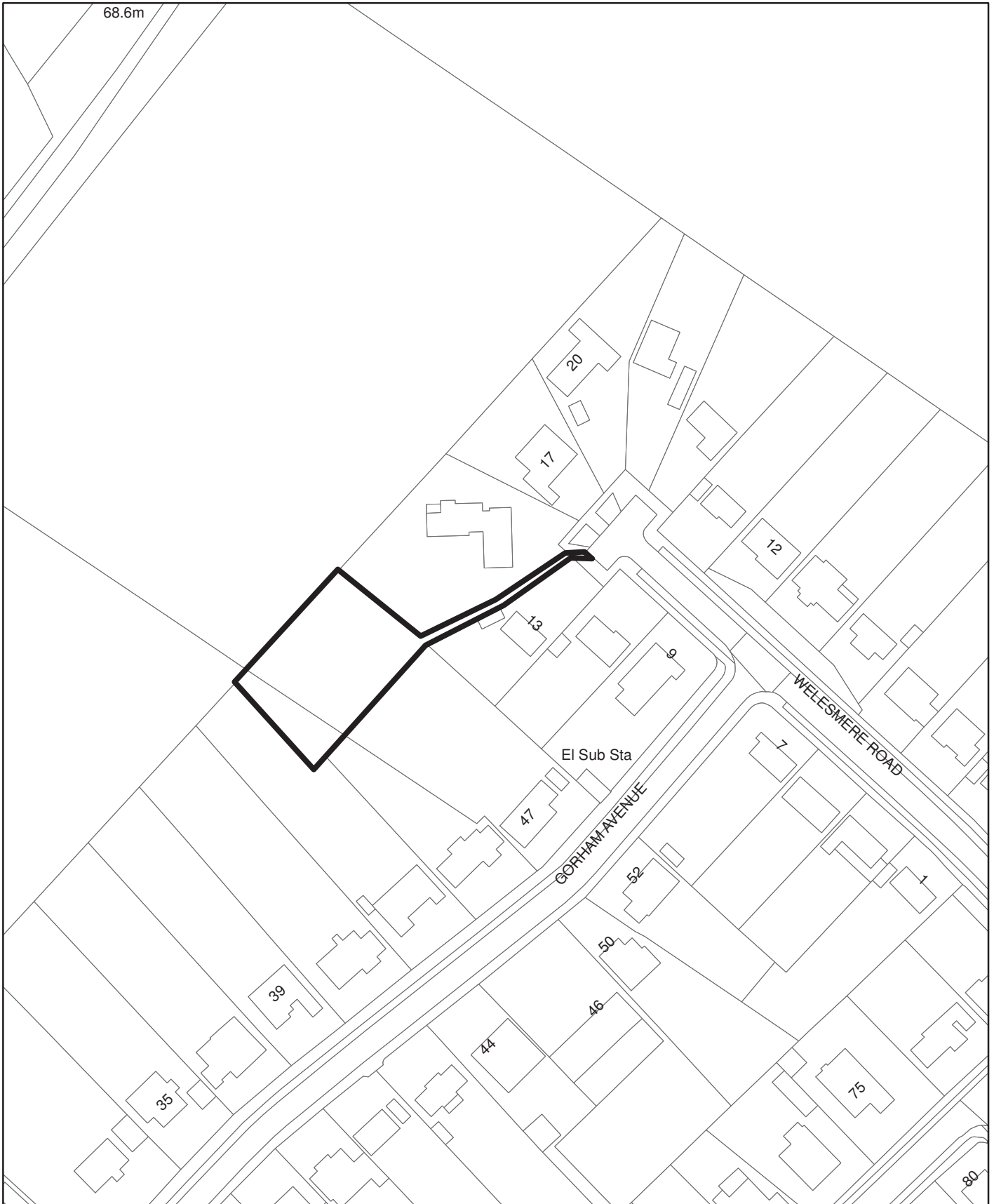
# **ITEM B**

**Rear of 15 Welesmere Road, Brighton**

**BH2015/02127**  
**Full planning**

**7 OCTOBER 2015**

# BH2015/02127 Rear of 15 Welesmere Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/02127</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Rear of 15 Welesmere Road Rottingdean Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of detached four bedroom dwelling with associated landscaping and access.</b>		
<b><u>Officer:</u></b>	Chris Swain Tel 292178	<b><u>Valid Date:</u></b>	23 June 2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	18 August 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Domicile Architectural Design, Whitegates, Crowborough Hill Crowborough TN6 2SE		
<b><u>Applicant:</u></b>	Pam Collings, 15 Welesmere Road, Rottingdean, Brighton BN2 7DN		

## 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 **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to part of the garden of a detached chalet bungalow at the north-western end of Welesmere Road. The existing property is an L-shaped design with a sunken swimming pool to the south, adjacent to the boundary of No.13 Welesmere Road. The property has a spacious garden which extends out to the south west of the rear elevation and abuts properties in both Welesmere Road and Gorham Avenue. The South Downs National Park abuts the site to the north west.

## 3 RELEVANT HISTORY

**BH2014/02893** - Erection of detached four bedroom dwelling with associated landscaping and access. Refused 24 March 2015 for the following reason;  
*The development, by reason of its siting, footprint and scale, would be out of character with the pattern of surrounding development and would appear an overly prominent and incongruous structure in this backland location. The development would appear unduly prominent in strategic views into and from the adjoining South Downs National Park and would fail to emphasise and enhance the positive qualities and characteristics of the area. The proposal is therefore contrary to policies QD1, QD2, QD4, NC7 and NC8 of the Brighton and Hove Local Plan and this harm outweighs the benefit provided by an additional residential unit.*

**BH2014/01424** - Installation of windows and dormer to front, window to side, rooflights to rear and solar panels to rear and side roof slopes. Approved 9 July 2014.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a two-storey detached four-bed dwellinghouse on land to the rear of 15 Welesmere Road. The dwellinghouse would be accessed via a driveway between nos. 13 and 15 Welesmere Road. The building would incorporate an L-shaped footprint with a hipped roof; materials would comprise a stock brick with plain clay tiles. The proposal includes new hedging to the north-west of the proposed dwelling to create formal separation with no. 15.
- 4.2 The gradient of the land falls away steeply to the south and east. As a result the dwelling would be set into the slope with a retaining wall built up to the rear of the building. There would be an integral garage to the front elevation and a terraced area at first floor level to the south west facing side elevation. Off street parking would be proposed to the front of the property with garden to the south and west of the dwelling.

#### **5 PUBLICITY & CONSULTATIONS**

##### **External**

- 5.1 **Neighbours: Twelve (12)** representations have been received from **3, 11, 12, 13, 14 Welesmere Road; 58, 73 Dean Court Road; 10 Northfield Rise, 11 Challoners Close; 43, 45, 47 Gorham Avenue** objecting to the proposal for the following reasons:-

- Excessive in height and scale and out of character with the existing built form and plot layout within the immediate area,
- Overlooking / loss of privacy to adjoining residents,
- Increased parking pressure and highway safety concerns.
- Disturbance and highway safety concerns during the construction period,
- Concerns regarding amenity, safety and security in relation to the proposed shared driveway adjacent to No.13 Welesmere Road,
- Increased noise disturbance,
- Increased sense of enclosure to adjoining properties,
- Overly dominant and overbearing development,
- Would set a dangerous precedent for further back garden development,
- Harm to nature and animal habitat,
- Detrimental impact upon views into and within the South Downs National Park
- Loss of light,
- Would site outside existing building lines,
- Would devalue adjoining properties,
- Poor disabled access to proposed dwelling,
- Insufficient excavation to allay concerns with the visibility of the dwelling.

5.2 **South Downs National Park:** No objection

The SDNP Authority does not object to the principle of the proposed development of 1 dwelling although would want to maintain views between the far side of the valley and the SDNP. In order to achieve this, the ridge height of the proposed dwelling should sit 0.6m – 1m below that of the existing dwelling.

**Internal**

5.3 **Sustainable Transport:** No objection.

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary condition.

5.4 Trip Generation/ Financial Contributions

A sustainable transport contribution of £1.5k is sought in accordance with the council's standard contributions methodology and policy TR8 of the Brighton & Hove Local Plan. This will be allocated to pedestrian crossing improvements at the junction of Gorham Avenue and Welesmere Road in order to cater for the needs of pedestrians accessing the proposed development.

5.5 Car Parking

Including the garage, three car parking spaces have been proposed. This exceeds the maximum permitted by SPG04; however, on the basis that the parking is provided by a private driveway to serve a single dwelling and that the spaces are not specifically marked, this is considered to be acceptable on this occasion.

5.6 The proposal would result in a reduction in available parking for the existing number 15 Welesmere Road; however, adequate space would remain to provide at least two spaces, the maximum permitted by SPG04. As such, it is not expected that the proposal will result in overspill parking and in any case there is ample capacity for this to be accommodated on Welesmere Road.

5.7 Access

The applicant has proposed utilising the existing crossover serving number 13 and 15 Welesmere Road which is considered acceptable. The proposed dwelling will be served by a private access road, with turning space provided onsite to allow vehicles to enter and exit in forward gear.

5.8 Cycle Parking

Two cycle parking spaces are shown within the proposed garage. This is considered appropriate for a private dwelling of this nature.

5.9 **Access Officer:** Comment

Approach to all entrances should be level or gently sloping. The rear elevation still appears to show single steps.

5.10 **Arboriculture:** No objection (comments unchanged from application BH2014/03893).

Several trees / shrubs of little arboricultural value may be lost and the Arboricultural Section would not object to their loss. The hedging around the site (Eleagnus) provides fine screening and should be protected during the course of

the development, along with all trees to be retained on site, in order ensure their retention post-development. The Arboricultural Section would ask for this to be made a condition of any consent.

## **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.”
- 6.2 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.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 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.
- 6.6 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
- SU10 Noise nuisance
- 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

QD4	Design - strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
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
NC5	Urban Fringe
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD06 Trees & Development Sites

SPD08 Sustainable Building Design

SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP8 Sustainable Buildings

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the plot sub-division and the subsequent impact on the character and appearance of the site and the surrounding area, including the adjoining South Downs National Park. The standard of accommodation and impact on neighbouring amenity and transport are also material considerations
- 8.2 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 provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.
- 8.3 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 merits of the proposal are considered below.
- 8.4 **Character and appearance**  
The application follows a previous proposal for a new dwelling within the site that was refused for the following reason;

*The development, by reason of its siting, footprint and scale, would be out of character with the pattern of surrounding development and would appear an overly prominent and incongruous structure in this backland location. The development would appear unduly prominent in strategic views into and from the adjoining South Downs National Park and would fail to emphasise and enhance the positive qualities and characteristics of the area. The proposal is therefore contrary to policies QD1, QD2, QD4, NC7 and NC8 of the Brighton and Hove Local Plan and this harm outweighs the benefit provided by an additional residential unit.*

- 8.5 The applicant has attempted to address the reason for refusal by reducing the height of the building and revising the design.
- 8.6 The proposed building would be sited on the same footprint as the previously refused scheme, parallel with the north-western boundary of the site and would introduce additional built form in the currently undeveloped rear curtilage of the site. The building would have a chalet bungalow style design with a deep hipped roof with accommodation within the roof. There would be a number of dormers set into the roof which would extend down below eaves level.
- 8.7 The height of the ridge would be reduced by 1.8m in comparison to the previously refused scheme and would now be set 3.65m below the ridge at No.15 Welesmere Road and 1m below the ridge of No.13 Welesmere Road. It is considered that this reduction in height and bulk would reduce the prominence of the dwelling when viewed from the rear of the neighbouring properties and would ensure that the proposal would not result in significant harm to the appearance and character of the surrounding area.
- 8.8 There would be limited visibility from the public domain from between the space between Nos. 13 and 15 and would not result in any significant harm to the visual amenity of the Welesmere Road streetscene.
- 8.9 The National Planning Policy Framework confirms that great weight should be given to conserving landscape and scenic beauty in National Parks. The reduction in the height and mass of the building in comparison to the previously refused scheme and the revised chalet bungalow style appearance would sit more comfortably with the existing built form within the locality would not dominant views from within or into the South Downs National Park.
- 8.10 The SDNP authority has not objected to the principle of the proposal. The ridge is set significantly below the height of No.15 Welesmere Road and below the height which is stated would be necessary to conserve landscape and scenic beauty within the SDNP.
- 8.11 To conclude, the reduction in height and mass in conjunction with the revised chalet bungalow style design in comparison to the previously refused scheme is considered to satisfactorily overcome the previous reason for refusal and the proposal would not detract significant from the appearance or character of the site, or the wider surrounding area and would preserve the scenic beauty and



landscapes of the South Downs National Park in accordance with local plan policy.

**8.12 Impact on Amenity**

Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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.

**8.13 Future Occupiers**

The scale and layout of the proposed dwellinghouse would provide a good standard of accommodation with sufficient natural light and outlook throughout. The application incorporates private amenity space to the front and side of the dwellinghouse and this would meet the likely needs of future occupants. The proposal is in accordance with the Lifetimes Homes standards other than the lack of a level access to the rear. This could be easily rectified with a sloped access and a suitable condition is attached.

**8.14 Neighbouring occupiers**

Whilst the adjoining properties on Gorham Avenue are at a considerably lower level than the application site it is considered the depth of the rear gardens (to properties on Gorham Avenue) would prevent any harm to amenity through loss of light or outlook. The closest adjoining property at no. 43 Gorham Avenue is 32m from the application site boundary. Similarly, while some views would be created by first floor window openings no intrusive overlooking to these properties would result due to the separation distances involved.

8.15 The separation distances and existing boundary screening, which will be protected through condition, is considered sufficient to ensure no harmful loss of light, outlook or privacy or a harmful overbearing impact to occupants of adjoining properties on Welesmere Road.

8.16 It is recommended that permitted development rights be removed by condition for roof extensions and alterations and for fenestration within the northwest elevation to protect neighbouring amenity in regards to overlooking or visual intrusion.

8.17 The proposed vehicular access would be screened from adjoining properties, nos. 13 and 15, and this, in conjunction with what is likely to be a limited number of vehicular movements, would ensure that any potential noise and disturbance would not cause significant harm.

8.18 While the private amenity space to no. 15 would be significantly reduced in size there would remain a sizeable area of outdoor space attached to this property.

8.19 It is likely that there would be increased noise and disturbance during the construction of the dwelling. However, if complaints were received as a result of construction activities they could be investigated through separate Environmental Health legislation.

**8.20 Sustainable Transport**

Policy TR1 of the Local Plan requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

8.21 The proposed access arrangement would not be expected to create a safety hazard of users of adjoining highways and no objection has been raised by the Transport team. While the pedestrian and vehicle access would be shared these movements would be relatively small in number and the arrangement is therefore considered acceptable in this instance. The proposed cycle storage would be within an integral garage with two off-street car parking spaces would be provided within the curtilage. This provision is considered acceptable and no harmful conflict with parking standards set out in SPGBH4 would result.

8.22 A contribution has been requested by the Transport team for the scheme to fund pedestrian crossing improvements at the junction with Gorham Avenue and Welesmere Road to cater for the needs of pedestrians accessing the proposed development. Whilst these works would be beneficial they are not considered necessary to ensure the acceptability of the scheme and as such a contribution is not recommended in this instance.

**8.23 Sustainability**

Policy SU2 and CP8 seeks to ensure that development proposals are efficient in the use of energy and water. Appropriate conditions are attached accordingly.

**9 CONCLUSION**

9.1 The proposal would not detract significantly from the appearance or character of the site, the surrounding area or the adjoining South Downs National Park or result in significant harm to the residential amenity of the neighbouring properties and is appropriate in terms of highway safety and sustainability.

**10 EQUALITIES**

The new dwelling would be required to comply with the Building Regulations and Lifetime Homes standards.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

Regulatory Conditions:

1) 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.

2) 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.

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Plan Type	Reference	Version	Date Received
Site location plan	-	-	10 June 2015
Block plan as proposed	-	-	10 June 2015
Block plan as proposed showing section through site	14/512/3	A	23 September 2015
Proposed floor plans and elevations	14/512/4	B	23 September 2015
Section A-A – NW to SE through site including comparison with previously refused application BH2014/02893	14/512/6	A	23 September 2015
Existing block plan	14/512/7	B	23 September 2015

- 3) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:
  - a) samples of all brick, tiling, cladding and eaves treatments,
  - b) samples of all hard surfacing materials,
  - c) samples of the proposed window, door and balcony treatments

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 QD1 & QD14 of the Brighton & Hove Local Plan.
- 4) The new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.  
**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.
- 5) The two first floor windows in the north east facing elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such. **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.
- 6) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. **Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 7) No extension, enlargement or other alteration of the roof of the dwellinghouse as provided for within Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could

cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed at first floor level in the north east facing elevation of the dwelling hereby approved without planning permission obtained from the Local Planning Authority. **Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 9) 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 surfacing;
  - b. details of all boundary treatments;
  - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development and retained as such thereafter. 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 QD1 and QD15 of the Brighton & Hove Local Plan.
- 10) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 11) No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences. **Reason:** As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 12) The residential unit hereby approved shall not be occupied until it 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 SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 13) The residential unit hereby approved shall not be occupied until it 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 SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).
- 14) Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved 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.

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. 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.
3. The water efficiency standard required under condition 13 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.
4. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and

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- (ii) for the following reasons:-  
The proposal would not detract significantly from the appearance or character of the site, the surrounding area or the adjoining South Downs National Park or result in significant harm to the residential amenity of the neighbouring properties and is appropriate in terms of highway safety and sustainability.