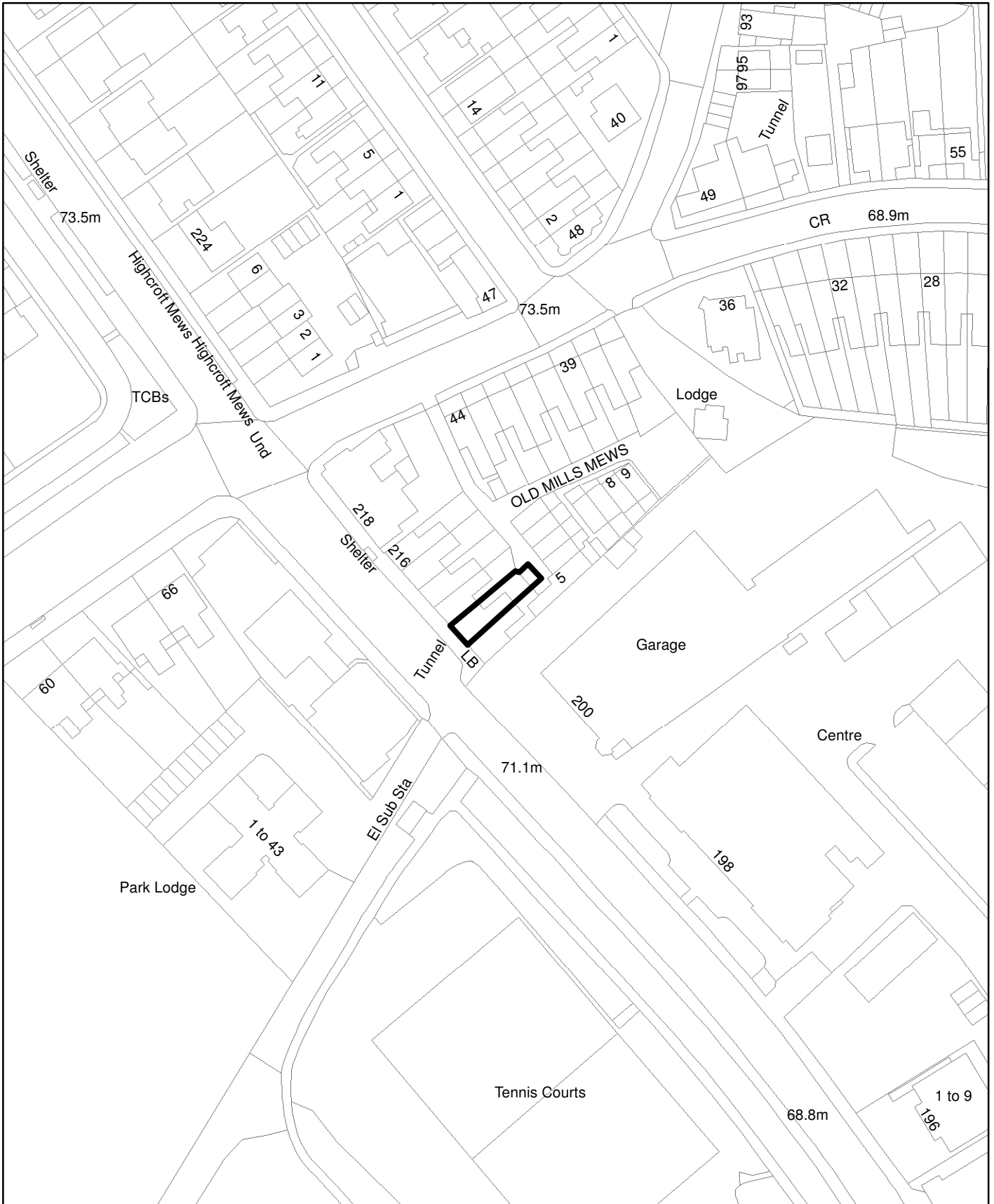


ITEM B

**208A Dyke Road, Brighton
BH2015/03126
Full Planning**

09 March 2016



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/03126	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	208A Dyke Road Brighton		
<u>Proposal:</u>	Conversion of existing maisonette to 2no flats (C3) incorporating removal of garage at rear and rear conservatory and enlargement of rear balcony area.		
<u>Officer:</u>	Mark Thomas Tel 292336	<u>Valid Date:</u>	29/09/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24 November 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Owen Powell Architects, 17 Reigate Road Brighton BN1 5AJ		
<u>Applicant:</u>	Mr D Patel, 208a Dyke Road Brighton BN1 5AA		

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 application relates to a three storey mid-terrace property within a shopping parade on the east side of Dyke Road. The property houses a retail unit at ground floor and a residential maisonette to the upper floors with access from the rear yard.

3 RELEVANT HISTORY

BH2015/00756 Conversion of existing maisonette to 2no flats (C3) with associated alterations including replacement of existing fire escape with new access staircase to rear. Refused 12/05/2015.

BH2005/05484 Partial change of use of ground floor from shop to live/work unit at rear and retention of shop at front and associated external alterations. Refused 22/11/2005.

BH2001/02737/FP Change of use from retail (use class A1) to cafe/snack bar (use class A3) Refused 09/01/2002- appeal dismissed 04/10/2002.

4 THE APPLICATION

- 4.1 Planning permission is sought for the conversion of the first and second floor maisonette to two self-contained flats. Externally it is proposed to demolish the detached garage within the rear garden/yard and the rear conservatory which would result in an increased balcony area.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Seven (7)** letters of representations have been received from **2, 3 (x3), 4 (x3), 5 (x2) and 17 Old Mill Mews** objecting to the application for the following reasons:

- Noise and disturbance.
- The area is already overcrowded.
- Existing traffic/ parking issues in the area would be worsened.
- Traffic pollution.
- Overlooking.
- Insufficient space for two vehicles to park.
- The garage to be removed is attached to a cycle shed which is currently used.

5.2 **Councillor Allen** objects to the proposed development (email attached).

5.3 **Network Rail** No objection.

Internal:

5.4 **Highway Authority:** No objection.

- The current proposed car parking layout of 2 spaces would appear to only allow for one car parking space due to the limited access. This would mean that there is only likely to be 1 parking space available for the proposed 2 flats. However at this location this amount of car parking for 2 flats is deemed acceptable and it is noted that there may be potential space for overspill parking in the surrounding private road network. The Highway Authority therefore does not wish to object on the level of car parking.
- The applicant states that there will be 2 cycle parking spaces on site. Further detail of the cycle parking space is required including the stand and its location. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- The subdivision of a four bedroom maisonette into 2 flats is comparable in trips terms and is therefore acceptable.

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
SU9	Pollution and noise control
SU10	Noise nuisance
QD14	Extensions and Alterations
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes

Supplementary Planning Document:

SPD12	Design Guide for Extensions and Alterations
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Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 It is considered that the main issues of this proposal are the acceptability of the principle of the conversion, the quality of living conditions for future occupiers and those adjacent to the site, traffic/parking issues and sustainability matters.

Planning history

- 8.2 The application follows the refusal of BH2015/00756 which also sought the conversion of the maisonette to two flats. The former scheme featured an external access staircase to the second floor flat, and the application was refused due to the potential for noise, disturbance and loss of privacy for occupiers of no. 210 Dyke Road from residents entering and leaving the application property using this staircase. BH2015/00756 was considered acceptable in terms of the principle of the development, the standard of accommodation for future occupiers, transport/parking and sustainability. The loss of the detached garaged was also considered acceptable in principle.

Principle of Conversion

- 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 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.
- 8.4 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.
- 8.5 Brighton & Hove Local Plan policy HO9 specifies a range of criteria for consideration in the determination of schemes for residential conversion. Criterion (a) of the policy seeks to retain smaller self-contained residential units, specifying a minimum threshold of 115m² floor space or more than three bedrooms as originally built, for existing dwellings in conversion schemes. The maisonette has an approximate floor area of 127m² which is above the floor space threshold of criteria (a) of policy HO9.
- 8.6 The policy also states that a conversion should provide for a family unit with at least two bedrooms. Both flats would provide two bedrooms.
- 8.7 The policy also requires that conversion proposals would not be harmful to residents of neighbouring properties, would not result in unacceptable on-street car parking stress and that storage for refuse and cycles is incorporated into the proposal. Details of neighbour amenity, parking, and refuse/cycle storage are outlined below.

Standard of living accommodation

- 8.8 The standard of living accommodation of the two units is considered acceptable, with adequate provision of living space, natural light and ventilation. It is noted that both units would fall below the suggested floor spaces within the DCLG: Technical Housing Standards - nationally described space standard, although they would not fall significantly short - 57m² vs 61m² for the first floor flat and 65m² vs 70m² for the second floor flat. The proposed first floor second bedroom and the living/dining/kitchen rooms are not considered generously sized, although the proposed size is not sufficiently cramped to warrant refusal of the planning application. Similarly, the lack of private amenity space to the upper unit is not ideal, although refusal on these grounds could not be justified given the constraints of the site.

Amenity

- 8.9 Policy QD27 seeks to protect existing and future residents of neighbouring properties from development which would cause material nuisance and loss of amenity. It is recognised that two flats in the building would result in increased movements within the building but this is not envisaged to have a significant impact on neighbouring properties by way of noise and disturbance. The proposal would remove an existing conservatory which would result in an increased balcony area. Although the balcony would provide additional standing/sitting out space, it would not be of a size which would be likely to give rise to significant noise disturbance. Whilst the new area of balcony would provide for new vantage points for views towards the rear elevations of nos. 206 and 210 Dyke Road, these would be oblique and less direct in nature than those available from the existing section of the balcony which is situated further rearward. The removal of the garage building would allow new views from the balcony towards the ground floors of properties on Old Mill Mews (nos. 1-5). Given the existing views available from windows to upper floors and the degree of separation it is not considered that a significant loss of privacy would occur.

Design

- 8.10 The proposal to remove the garage within the rear yard would not have a detrimental impact on visual amenity. The removal of the rear conservatory, whilst retaining the roof as a canopy, would have a neutral impact on the character and appearance of the recipient property.

Traffic/ Parking Matters

- 8.11 Brighton & Hove Local Plan policy TR1 requires development to address the related travel demand. The written submission states that one parking space would be provided which would be in accordance with currently adopted parking standards. The submitted drawings, however, show two parking spaces. Whilst such a provision would also be acceptable it would be impractical in this location given the narrow access and lack of turning space. Furthermore, the provision of a single parking space parallel to the rear of the property would allow for the retention of an area of private amenity space for occupiers of the lower flat as proposed. Details of revised parking arrangements (for one vehicle) could be secured by condition.

- 8.12 Cycle storage has been proposed to the rear garden in the position of an existing bin store beneath a raised balcony, which is considered acceptable in principle. The submitted plans show only the footprint of this space. A condition requiring further details, including elevational drawings, could be requested by condition.

Sustainability

- 8.13 Brighton & Hove Local Plan policy SU2 and CP8 of the submission City Plan Part One requires new residential development to demonstrate efficiency in the use of water and energy. The applicants have submitted a Sustainability Checklist. Details have been provided within the Checklist detailing the energy efficiency measures that are proposed.

9 CONCLUSION

- 9.1 The proposal would preserve the appearance of the building and surrounding area and would provide a suitable standard of accommodation. The scheme is also appropriate in respect of its impact on the amenity of adjacent properties, sustainability, highway safety and the demand for travel.

10 EQUALITIES

- 10.1 No issues identified.

11 CONDITIONS / INFORMATIVES

11.1 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.

Plan Type	Reference	Version	Date Received
Site location and block plans	1422/1	-	25th August 2015
Existing and proposed ground floor plans	1422/2/A	-	25th August 2015
Existing and proposed first floor plans	1422/3/B	-	19th January 2016
Existing and proposed second floor plans	1422/4/B	-	19th January 2016
Existing and proposed rear elevation	1422/5/A	-	25th August 2015
Existing and proposed side elevation and section	1422/6/B	-	19th January 2016
Existing and proposed sections	1422/7/B	-	19th January 2016

Pre-Commencement Conditions:

- 3) Notwithstanding the submitted plans, prior to first occupation of the development hereby permitted a revised parking layout plan shall be submitted to and improved in writing by the Local Planning Authority. The approved parking provision shall be fully implemented and made available for use prior to the first occupation of the development and shall be retained as such thereafter.
Reason: To ensure that the parking of motor vehicles does not represent a hazard and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 4) Prior to first occupation of the development hereby permitted, details, including elevational drawings, 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.
- 5) Prior to first occupation of the development hereby permitted, the refuse storage area shown on the approved plans shall be made available for use and shall thereafter be retained for use at all times.
Reason: To ensure satisfactory facilities for the storage of refuse and to comply with policy HO9 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 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
- (ii) for the following reasons:-
The proposal would preserve the appearance of the building and surrounding area and would provide a suitable standard of accommodation. The scheme is also appropriate in respect of its impact on the amenity of adjacent properties, sustainability, highway safety and the demand for travel.



PLANNING COMMITTEE LIST
09 March 2016

COUNCILLOR REPRESENTATION

From: Kevin Allen
Sent: 12 February 2016 6:42 PM
To: Jeanette Walsh
Subject: BH2015/03126: 208A Dyke Road

Dear Jeanette

This application involves the demolition of the existing shed-like structure in order to provide a parking area for two vehicles. The space strikes me as too small. What is more, with the removal of the shed and the consequent lowering of the roof level the ground floor rooms of nos. 3 and 4 Old Mill Mews will suffer overlooking from the backs of properties in Dyke Road.

I wish to record my opposition to this application and my recommendation that members should visit the site.

Best wishes

Kevin

Kevin Allen, Labour councillor for Preston Park