

<b><u>No:</u></b>	<b>BH2016/02742</b>	<b><u>Ward:</u></b>	<b>St. Peter's And North Laine Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Devonian Court, Park Crescent Place, Brighton, BN2 3HG</b>		
<b><u>Proposal:</u></b>	<b>Planning permission is sought for variation of condition 2 of application BH1998/01631/FP (Removal of suspended paved area to expose basement elevation (Blocks 1 &amp; 2) to facilitate conversion to 7 no. flats. Replacement pitched roof (Blocks 1 &amp; 2) and use of roofspace to provide 6 no. flats, revised parking area for 12 cars and landscaping.) to allow amendments to the fenestration and layout of the proposed mansard extension to Block 2.</b>		
<b><u>Officer:</u></b>	<b>Chris Swain, tel: 292178</b>	<b><u>Valid Date:</u></b>	<b>26.07.2016</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>25.10.2016</b>
		<b><u>EoT/PPA Date</u></b>	
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	<b>NRAS 11 Tiler's Close Nutfield Road Merstham RH1 3HS</b>		
<b><u>Applicant:</u></b>	<b>Witnessham Ventures Ltd Mr Monk Claydon Hall Claydon Ipswich IP6 0EL</b>		

## 1. RECOMMENDATIONS

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

### Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	(INCLUDING SECTIONS)	(excludes Block 2)	16 March 1999
Block Plan	(ACCESS AND CAR PARKING)		16 March 1999
Floor plans/elevations/sect proposed	BLOCK 1	(excludes Block 2 plan)	16 March 1999
Floor Plans Proposed	DC/16-10		14 December 2016
Elevations Proposed	DC/16-20		22 July 2016

- 2 The development shall be constructed in accordance with the approved details of Condition 3 of BH1998/01631FP submitted in application BH2015/00654, approved 4 June 2015.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy CP12 of the Brighton and Hove City Plan Part One and policy QD14 of the Brighton and Hove Local Plan.

- 3 The cycle parking facilities shall be retained in situ for the use of the occupiers of the development.

**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.

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. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 This application relates to Devonian Court, two four storey blocks of flats on a site to the rear of properties on Park Crescent Terrace, Park Crescent Road and Trinity Street, with entrances to both Park Crescent Road and Brewer Street.
- 2.2 Planning permission is sought for variation of condition 2 of application **BH1998/01631/FP** (Removal of suspended paved area to expose basement elevation (Blocks 1 & 2) to facilitate conversion to 7 no. flats. Replacement pitched roof (Blocks 1 & 2) and use of roofspace to provide 6 no. flats, revised parking area for 12 cars and landscaping.) to allow amendments to the fenestration and layout of the proposed mansard extension to Block 2.
- 2.3 It is noted that the basement flats have been constructed and occupied. A mansard roof containing three flats has been constructed replacing the pitched roof to Block 1.

## 3. **RELEVANT HISTORY**

**BH2015/00654** - Application for Approval of Details Reserved by Condition 3 of application **BH1998/01631/FP**. Approved 4 June 2015.

**BH2015/00726** - Non Material Amendment to **BH1998/01631/FP** to raise the parapet line to conceal gutters and window cills and restrict overlooking, substitution of slates to Marley Rivendale and revision of window material to grey UPVC. Refused 1 April 2015.

**BH2014/01363** - Erection of additional storey to facilitate creation of 3no two bedroom flats (C3). Refused 3 September 2014.

**BH2001/00505/FP** - Amendment to **BH1998/01631/FP** to create additional (3rd) flat to roofspace of block 1 (adjacent to Park Crescent Place), together with installation of dormers and rooflights to all elevations. Approved 4 December 2001.

**BH1998/01631/FP** - Removal of suspended paved area to expose basement elevation (Blocks 1 & 2) to facilitate conversion to 7 no. flats. Replacement pitched roof (Blocks 1 & 2) and use of roofspace to provide 6 no. flats, revised parking area for 12 cars and landscaping. Approved 21 April 1999. This permission was part implemented with the basement works and the converted loft space to the southernmost block completed.

#### **4. REPRESENTATIONS**

**4.1 Eleven (11)** letters have been received from **3, 5, 7, 15 Brewer Street, 9 Trinity Street, 21 Park Crescent Place, 5 Devonian Court and 46 Park Crescent Terrace, 65, 67, 71 Park Crescent Road** objecting to the proposed development for the following reasons:

- Loss of privacy / overlooking to adjoining properties and gardens,
- Increased noise and disturbance from the development and also the addition of 12 car parking spaces,
- Inappropriate appearance,
- Overshadowing, loss of natural light,
- Additional littering / fly tipping on the site and adjoining roads,
- Additional vehicular movements,
- Cannot determine whether 'Ancient Lights' can be invoked,
- Increased parking stress on neighbouring roads,
- The proposal is out of character,
- Unsatisfactory disabled access,
- Concerns over damage to party walls during construction,
- The landlord has failed to adequately maintain the block resulting in an eyesore and the appearance of a tenement slum,
- Overbearing impact,
- The building would be taller than adjoining properties,
- Increased light pollution,
- Potential for increased rubbish on the wider site, attracting vermin and resulting in a public health concern.
- Many of the properties are owned by landlords who may not have received letters that were addressed to the occupier making objections less likely,
- The proposals could result in harm to human health,
- The additional vehicular parking would further increase the serious air pollution which an issue within the area,
- Neighbouring properties were not consulted on previous applications for additional units and roof extensions to Devonian Court,
- No wheelchair access for upper flats.

#### **5. CONSULTATIONS**

5.1 **Southern Water:** No objection

5.2 **Sustainable Transport:** No objection

The Highway Authority would not wish to restrict grant of consent of the above application. It is not considered that Condition 2 and the proposed amendments have highways and transportation implications.

It is recommended that conditions 5 (cycle parking) and 6 (car parking) be carried forward to any revised consent.

## 6. MATERIAL CONSIDERATIONS

6.1 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

6.2 The development plan is:

Brighton & Hove City Plan Part One (adopted March 2016)

Brighton & Hove Local Plan 2005 (retained policies March 2016);

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);

East Sussex 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 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP8 Sustainable buildings

CP9 Sustainable transport

CP12 Urban design

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

TR4 Travel plans

TR7 Safe Development

TR14 Cycle access and parking

SU10 Noise nuisance

QD15 Landscaping

QD14 Extensions and alterations

QD27 Protection of amenity

HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:  
SPD03 Construction & Demolition Waste  
SPD12 Design Guide for Extensions and Alterations  
SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations material to this application are the impacts of the proposed residential units on the character and appearance of the building and the streetscene, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.
- 8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.
- 8.3 **Planning History:**  
Planning permission was granted in 1999 (BH1998/01631FP) for roof extensions to both blocks and works to the basement to create a number of additional self-contained flats. The basement flats were constructed and occupied within the original time limit for implementation and it is considered that this planning permission is extant.
- 8.4 A mansard roof containing three flats has been constructed to Block 1.
- 8.5 **Design and Appearance:**  
The overall design, height and form of the mansard proposed to the L-shaped Block 2 would replicate the mansard to Block 1 within the extant scheme. Where the proposal would differ is in the treatment of the fenestration. The size, design, number and siting of dormers and rooflights proposed would be revised in comparison to the extant scheme.
- 8.6 Whilst the overall number of dormer windows proposed is greater than on the extant scheme, these are not as deep as the dormers in the proposed scheme and the overall impact on the appearance and character of the building is considered to be neutral. The increased numbers of rooflights proposed would not result in unnecessary clutter and are considered to have an acceptable visual impact.
- 8.7 The site is located a sufficient distance from Park Crescent and St. Martins Church to ensure that there is no harm to the setting of these listed buildings or harm to the Valley Gardens Conservation Area to the south west.

8.8 Overall the proposal is considered to have an acceptable impact upon the appearance and character of the block, the application site and the wider surrounding area.

8.9 **Impact on Amenity:**

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.

8.10 Whilst the proposed scheme includes an increased number of dormers and rooflights over and above the extant scheme, many of the rooflights serve bathrooms and are obscure glazed whilst the dormers are reduced in scale in comparison to the extant scheme. The mansard roof is also set back from the lower elevations and overall the proposal is not considered to result in any significant harm to neighbouring properties in regards to overlooking or loss of privacy. The height, scale and mass of the proposal is unchanged from the extant scheme and would not result in any increased harm by way of overshadowing, loss of light or an overbearing impact.

8.11 **Standard of accommodation:**

The internal layout of the 4 flats has been altered with separate kitchens and living areas replaced with a combined kitchen / dining / living area. Three of the four flats have also been revised from two to three bedroom units. Whilst some of the bedrooms are an awkward shape with limited floor area the overall standard of accommodation is considered to be comparable to that provided for in the extant permission with adequate levels of light, outlook, internal floor area and circulation space and the proposal is considered to be acceptable in this regard.

Whilst outdoor space has not been provided in accordance with HO5 the site is located close to an area of public open space (the Level) and the lack of outdoor space provided is not so significant as to warrant refusal.

8.12 **Sustainable Transport:**

The proposal raises no new concerns relating to transport. A condition to retain the cycle parking facilities is proposed.

9. **EQUALITIES**

9.1 None identified.