

<b><u>No:</u></b>	<b>BH2016/05099</b>	<b><u>Ward:</u></b>	<b>North Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>25 Stonery Close Portslade BN41 2TD</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no detached two bedroom house (C3) to rear of existing house with associated car parking.</b>		
<b><u>Officer:</u></b>	Emily Stanbridge, 292359	tel: <b><u>Valid Date:</u></b>	06.09.2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	01.11.2016
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Michael Goodchild Brighton, BN1 6FA	Blakers House, 79 Stanford Avenue,	
<b><u>Applicant:</u></b>	Mr Paul Stokes 83 Carden Avenue, Brighton, BN1 8NF		

## 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 **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>
Floor Plans Proposed	001 P5		22 March 2017
Elevations Proposed	002 P4		22 March 2017
Sections Proposed	003 P3		22 March 2017

- 2 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.
- 3 The residential unit hereby approved shall be laid out as a two bedroom property in full accordance with the layout detailed on drawing no. R1617-P-001 P5 received on 22nd March 2017 and the study/store at first floor shall not be used as a bedroom at any time. The approved layout as a two bedroom property shall be retained as such thereafter.  
**Reason:** As the standard of accommodation is considered acceptable only as a two bedroom unit to comply with policy QD27 of the Brighton and Hove Local Plan.

- 4 Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) shall have been installed at the junction of and across Stonery Close with Wickhurst Road (between Wickhurst Rise and Valley Road as there is more than one Stonery Close).

**Reason:** To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.

- 5 No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) 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 to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 6 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 (where applicable):

- a) Samples of all brick and tiling (including details of the colour of paintwork to be used)
- b) Samples of all hard surfacing materials
- c) Detail/specification 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 QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

- 7 No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan and CP12 of the City Plan Part One.

- 8 The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 9 Prior to first occupation of the development hereby permitted, details 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.

- 10 The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**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.

- 11 The new residential unit hereby approved shall not be occupied until each residential unit built 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 CP8 of the City Plan Part One.

- 12 The new residential unit hereby approved shall not be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 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 CP8 of the City Plan Part One.

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 a plot to the rear of 25 Stonery Close. The plot previously formed part of the rear garden space of this property. The topography of the area is such that the land steeply slopes downwards from the west to the east.

## **3. RELEVANT HISTORY**

- 3.1 None identified.

## **4. REPRESENTATIONS**

- 4.1 Five (5) letters have been received objecting to the proposed development for the following reasons:

- Increased traffic and noise
- Access to the end of Stonery Close may be impaired for pedestrians during building works
- The road in Stonery Close is not designed for the traffic a building sites brings.
- Loss of parking for neighbouring residents
- The new dwelling proposed will result in a loss of privacy for neighbouring properties
- Harmful air pollution caused by construction works
- The access route provides parking to existing residents
- Stonery Close is very narrow and there is little turning space
- Increased noise pollution
- As the new dwelling is positioned at the foot of a hill it will take away valuable drainage for rainfall and run off
- The building is positioned close to the south and north boundaries, appearing to be squeezed in
- Windows on the west elevation and the balcony at first floor level will overlook the house at the top of the slope.
- The windows and doors on the north elevation are an invasion of privacy for those occupiers at 27-43 Stonery Close.

- 4.2 Councillor Atkinson objects to the application (comments attached).

## **5. CONSULTATIONS**

- 5.1 **Sustainable Transport:** No objection subject to condition

- 5.2 Pedestrian improvements:

Although footways in the vicinity of the site have been improved over the years by developer contributions and government funds there are still junctions along Wickhurst Road that for the applicant's benefit need footway improvements (dropped kerbs in particular) to extend the transport network. Also, there are accessible bus stops in the vicinity of the site but mobility scooters are not

permitted on buses (due to risks in an accident) hence the further importance of dropped kerbs for this growing mode of transport.

5.3 Therefore, if the planning case officer does seek a developer contribution from the applicant then I request that it is put towards installing dropped kerbs with paving and tactile paving if appropriate at the junction of and across Stonery Close with Wickhurst Road (between Wickhurst Rise and Valley Road as there is more than one Stonery Close).

5.4 Cycle Parking

SPD14 states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds and 2 for 3 plus beds and 1 space per 3 units for visitors after 4 units. For this development of 1 residential unit with 2 beds the minimum cycle parking standard is 1 cycle parking space in total (1 for residential units and 0 visitor spaces). The applicant has not offered to install any cycle parking spaces in their supporting evidence therefore cycle parking is requested by condition.

5.5 Disabled Parking

The site is outside of a controlled parking zone so there is free on-street parking available. There are also opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated, for sole use only on-site disabled car parking to be a reason for refusal.

5.6 Servicing & Deliveries (including goods & people pick up / drop off)

The servicing and delivery arrangements to this site during its development could be difficult for all concerned and thereafter not easy however with careful management not beyond the realms of possibility therefore I request that a Construction Environment Management Plan condition is attached to any permission granted.

5.7 Vehicular Access

The applicant is not proposing any changes to vehicle access arrangements onto the adopted (public) highway (that is where Stonery Close meets Wickhurst Road) and for this development this is deemed acceptable.

I also note that the section of Stonery Close that the applicant proposes to gain vehicular and pedestrian access from is not adopted (public) highway and also the footway alongside 25 Stonery Close and leading to the north of Stonery Close is not adopted (public) highway. However, it is believed that they are owned by Brighton & Hove City Council and the applicant would be best advised to talk to this application's Planning Case Officer if they have not already secured rights of access.

5.8 Car Parking

SPD14 states that the maximum car parking standard for a 2 bedroom dwelling within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for

visitors. The applicant is proposing 2 car parking spaces for each 2 bedroom property within the Outer Area. For this development of 1 residential unit the maximum car parking standard is 2 spaces (1 per unit and 1 visitor space).

- 5.9 Therefore the proposed level of car parking (two spaces) is in line with the maximum standards and is therefore deemed acceptable in this case. However, I also note if 2 cars are parked on-site then they would probably have to reverse into Stonery Close until they could turn around and this could be some distance if Stonery Close is parked up.

## **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  
CP1 Housing delivery  
CP8 Sustainable buildings  
CP9 Sustainable transport  
CP12 Urban design  
CP14 Housing density  
CP19 Housing mix

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

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
QD5 Design - street frontages  
QD15 Landscape design

QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of the development, the visual impact of the development to the wider street scene, the standard of accommodation provided and any potential impact to the amenities of neighbouring properties, in addition to transport and sustainability issues.

### **8.2 Principle of Development**

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 The application site is a part of the former garden space of No. 25 Stonery Close and as such is in residential use. As a principle of development, residential development on a residential site would be an appropriate development, the specific impacts of the any such development must however be considered as to whether the development is appropriate and whether harm would be caused. This detailed assessment is set out below.

### **8.4 Design and appearance**

The existing site comprises of a vacant plot of land to the rear of 25 Stonery Close. The site previously formed part of the private amenity space of 25 Stonery Close.

8.5 Planning permission is sought for the construction of a detached property with accommodation at first floor level positioned within the roof space of the proposed dwelling.

8.6 Stonery Close is within a suburban area that is characterised by both semi-detached and terraced properties with substantial front and rear gardens, However, Policy CP14 allows for an increase in the density of residential development where new proposals wouldn't harm the character of the area. In this particular instance the new dwelling would not be visible from Stonery Close and the resulting plots for the existing and proposed dwellings would be commensurate with some neighbouring plots albeit below the average plot size for the area. However given the position of the proposed dwelling and its

relationship with neighbouring properties, it is not considered that the proposed scheme would materially impact upon the character and appearance of the surrounding area.

- 8.7 It is acknowledged that the design of the new dwelling doesn't mirror neighbouring properties in terms of its appearance. This is because it has been designed so that when viewed from the surrounding properties it appears to have a low profile, utilising the lower part of the site and thereby ensuring that its height is no higher than the eaves of the existing property. It is considered that given the constraints of the site, the variety in the appearance of neighbouring properties and the limited views afforded to the application site, it forms an acceptable design.
- 8.8 During the lifetime of the application amendments have been made to the materials proposed. The dwelling now comprises brick elevations and clay tiling to the roof. This is considered to better reflect the palette of materials evident in the surrounding area.
- 8.9 Standard of accommodation:  
The gross internal floor space of the new dwelling proposed is approximately 77sqm. This is in line with the governments national space standards which state that a 2 bedroom, 2 storey property should have a minimum floor area of 70sqm. Amendments have been made during the lifetime of the application to reduce the number of bedrooms proposed to two. As a result both bedrooms comply with the minimum requirements set out within the National Space Standards.
- 8.10 A study/store has been indicated at first floor level. This room proposed is too small in size to accommodate a bed space. Therefore a suitably worded condition is recommended limiting the proposed floor layout as proposed.
- 8.11 The layout and location of all habitable rooms are considered acceptable and would provide a good standard of accommodation, with good levels of natural light, outlook and ventilation.
- 8.12 Policy HO5 requires suitable external amenity space to be provided for new residential development. The proposed garden for the dwelling is considered acceptable in meeting the requirements for a family dwelling house. Furthermore the resultant garden for 25 Stonery Close is commensurate to a family dwelling.
- 8.13 A two tiered patio is proposed to the rear of the property as a result of the land levels across the site. The collective area of external amenity space proposed to the rear is approximately 25sqm. Given the constraints of the site this layout proposed is the best that could be achieved. It is considered that the garden space proposed would result in sufficient usable space for future occupiers.
- 8.14 **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.

- 8.15 The new dwelling is positioned within the former rear garden of 25 Stonery Close. Given the generous plot size of No. 25, a separation distance is maintained to the existing property of approximately 21m. Additionally given the topography of the site, the new dwelling is positioned at a much lower level than that of the existing property. As a result the new dwelling is not considered to result in an overbearing impact to the existing dwelling.
- 8.16 At first floor level a balcony is proposed to the rear. Given the changes in levels across the site, views from the balcony proposed would be largely restricted by the existing boundary fence. Furthermore the proposed balcony measures approximately 1m in depth, this is considered to restrict the placing of furniture and be unlikely to enable prolonged periods of use.
- 8.17 The new dwelling proposed is positioned forward of the front building line of the neighbouring properties at 27-43 Stonery Close and maintains a separation distance of 7.5m. It is therefore considered that the new dwelling would not result in harmful overbearing or overshadowing impact to this neighbouring terrace group.
- 8.18 Two windows are visible on the side wall of No.27; given the position of the new dwelling no harmful loss of light and outlook is envisaged. Furthermore the proposed dwelling features two windows at ground floor and one at first floor. These windows are not considered to result in harmful overlooking towards the north west.
- 8.19 **Sustainable Transport:**
- 8.20 Pedestrian Improvements  
It is recommended that pedestrian improvements are secured by condition to install dropped kerbs with paving and tactile paving if appropriate at the junction of and across Stonery Close with Wickhurst Road (between Wickhurst Rise and Valley Road as there is more than one Stonery Close).
- 8.21 Cycle Parking  
For this development of 1 residential unit with 2 beds the minimum cycle parking standard is 1 cycle parking space in total (1 for residential units and 0 visitor spaces). The applicant has not offered to install any cycle parking spaces in their supporting evidence therefore cycle parking is requested by condition.
- 8.22 Servicing & Deliveries (including goods & people pick up / drop off)  
Whilst a Construction Environment Management Plan has been requested by the Transport Team, as the proposed is for a single house this is not considered necessary. Access arrangements to the site during construction would be a local issue to be agreed between the developer/contractor and adjoining land owners.
- 8.23 Vehicular Access

The applicant is not proposing any changes to vehicle access arrangements onto the adopted (public) highway (that is where Stonery Close meets Wickhurst Road) and for this development this is deemed acceptable.

8.24 Car Parking

The proposed level of car parking (two spaces) is in line with the maximum standards and is therefore deemed acceptable in this case.

8.25 **Sustainability:**

Policy CP8 of the Brighton and Hove City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These measures are secured by condition.

**9. EQUALITIES**

9.1 Level access would be provided to the front door of the house.