

<u>No:</u>	BH2016/06407	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To Rear Of 62-64 Preston Road Brighton BN1 4QF		
<u>Proposal:</u>	Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations.		
<u>Officer:</u>	Joan Tooth, tel: 294251	<u>Valid Date:</u>	09.12.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03.02.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Bold Architecture Design Ltd Mr Scott Theobald, 14 Gladys Road, Hove, BN3 7GL		
<u>Applicant:</u>	Mr R Little Mulberry House, 1A Surrenden Crescent, Brighton, BN1 6WE		

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 **REFUSE** planning permission for the following reasons:

- 1 The proposed three storey building with habitable accommodation in the roof and basement, by reason of its excessive height, depth and roof form represents an excessively scaled addition that is bulky, dominant and an overdevelopment of the site. The proposal is harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
- 2 Due to the positioning of the proposal with the host building, the outlook and amenity of the residents within the rearward bedrooms on the first and second floors within the host building, as well as the rearward bedrooms on the first and second floors of the adjoining 60 Preston Road, would be adversely affected contrary to policies QD14 and 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 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
Location and block plan	122/GA01		9 December 2016
Floor Plans Proposed	122/GA05		9 December 2016

Floor Plans Proposed	122/GA06		9 December 2016
Floor plans and elevations proposed	122/GA07	A	17 February 2017
Floor plans and elevations proposed	122/GA08		9 December 2016
Elevations and sections proposed	122/GA09		9 December 2016
Other	SITE WASTE MANAGEMENT PLAN		9 December 2016

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is located on the rear yard to the rear of 62 - 64 Preston Road which is on the corner with Ditchling Rise and is north west of the city of Brighton.
- 2.2 62 - 64 Preston Road is a three storey building with a basement. The building has a shop within the basement and ground floor with residential accommodation on the upper floors which is similar to the adjoining building at 60 Preston Road. The site is not within a Conservation Area.
- 2.3 The application seeks to erect a four storey building with an extended basement forming one two bedroom flat and three one bedroom flats following the demolition of the current projection to the rear of 62 Preston Road.

3. RELEVANT HISTORY

BH2015/04607 - 62 Preston Road

Roof alterations incorporating rear dormer and rooflights to front and rear.

Approved 15.02.2016

4. REPRESENTATIONS

- 4.1 Seven (7) letters have been received objecting to the proposed development for the following reasons:
- Overshadowing and loss of light;
 - Loss of privacy and overlooking;
 - Detrimental impact upon residential amenities and visual impact of development which will impact on the character of the area;
 - Highway safety, inadequate parking and access;
 - Over development of the plot;
 - Over bearing and out of character with the surrounding buildings;
 - No provision for the waste and refuse from the shop.
- 4.2 Seven (7) letters have been received supporting the proposed development for the following reasons:

- Appearance of proposal is good and will bring much needed development to the area
- The untidy and ugly yard will be replaced by a well-designed and thoughtful use of the space
- Will enhance the street scene
- Will provide much needed housing
- Level of accommodation is good
- Material and design enhance the area

5. CONSULTATIONS

5.1 Sustainable Transport: No objection

Pedestrian & Mobility & Visually Impaired Access

The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

In supporting evidence no referral has been made to mobility and visually impaired access. In planning terms properties have to comply with Disability Discrimination Act 1995, the Equality Act 2010 and United Nations (UN) Convention on disability rights compliant but also the transport network that supports it.

- 5.2 Although footways in the vicinity of the site have been improved over the years by developer contributions, obligations and government funds there are still junctions along Ditchling Rise that for the applicant's benefit need footway improvements to extend the transport network. Also, there are accessible bus stops in the vicinity mobility scooters are not permitted on buses hence the further importance of dropped kerbs for this growing mode of transport.
- 5.3 Therefore, if the application was to be approved a developer obligation from the applicant would be requested regarding installing dropped kerbs with paving and tactile paving if appropriate at a number of junctions.
- 5.4 This would be to improve access to and from the site to the various land uses in the vicinity of the site, for example education, employment, shops, postal services, leisure, medical, other dwellings in the wider community and transport in general
- 5.5 Cycle Parking
For this development of 4 residential units with 1 or 2 beds the minimum cycle parking standard is 4 cycle parking spaces in total (4 for residential units and 0 visitor spaces). 6 cycle parking spaces are indicated in their supporting evidence however 4 spaces are the not approved hanging racks. If the application was to be approved, cycle parking could be secured by condition.
- Disabled Parking
- 5.6 There are 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.

- 5.7 Therefore in this instance the Highway Authority consider the lack of dedicated, for sole use only on-site disabled car parking not to be a reason for refusal. Servicing & Deliveries (including goods & people pick up / drop off)
- 5.8 The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and for this development this is deemed acceptable.
- 5.9 Vehicular Access
The applicant is not proposing any changes to (the non-existent) vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.
- 5.10 Car Parking
SPD14 states that the maximum car parking standard for 1 or 2 bedroom dwellings within the Key Public Transport Corridors (KPTC) is 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors.
The applicant is proposing 0 car parking spaces for each 1 or 2 bedroom property within the KPTC.
For this development of 4 residential units the maximum car parking standard is 4 spaces (0.5 per unit and 2 visitor spaces). Therefore the proposed level of car parking (zero spaces) is in line with the maximum standards and is therefore deemed acceptable in this case.
However, there already appears to be a high demand for on-street car parking in this controlled parking zone (J) area. With no on-site car parking proposed there is the potential for the 4 one and two bedroom proposed flats to increase further the apparent high demand for on-street parking in this area.
- 5.11 Directly opposite the site there is a free on-street disabled parking bay, a free motorcycle parking area and provision for paid short-term parking. Sustainable transport modes and local services appear to be accessible from the site and footway improvements have been requested above for occupants who might be pedestrians and/or might be mobility and/or visually impaired.
- 5.12 Therefore if the application was to be approved a Car Free Housing condition would be recommended with informative is attached so the proposal does not increase the apparent high demand for on-street parking in this area.
- 5.13 Trip Generation - Vehicles and Highway Impact
There is not forecast to be a significant increase in vehicle trip generation as a result of this proposals therefore no developer contributions for carriageway related improvements would be sought.
- 5.14 Trip Generation - Pedestrians and Developer Obligation by way of a Grampian Condition.
It is likely that the increase in dwellings will also result in an increase in pedestrian and mobility and visually impaired trip generation. In order to ensure that the proposed development provides for the transport demand it generates and the needs of pedestrians and the mobility and visually impaired, the

following developer obligation is requested by way of a Developer Obligation (Grampian Condition) and a Developer Obligation (Grampian Condition) Informative in accordance with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One. Pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) would be requested by condition as detailed above to improve access to and from the site to the various land uses in the vicinity of the site, for example education, employment, shops, postal services, leisure, medical, other dwellings in the wider community

5.15 Excavation and erection

Due to the risks involved in excavating and erecting immediately next to the adopted (public) highway and any works that may be required in the adopted (public) highway as a result of the development and any scaffolding that may be required on the adopted (public) highway I request that if the application was approved the Highway Works Informative and the Scaffold license informative would be attached

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
- CP2 Sustainable economic development
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings
- CP9 Sustainable transport

CP12 Urban design
CP13 Public streets and spaces
CP14 Housing density
CP18 Healthy city
CP19 Housing mix

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

TR14 Cycle access and parking
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the effect on the street scene as well as the impact on the host building, the residential amenity of the neighbouring residents, the residents within the proposed development and the well-being of the residents in the host building's upper levels.

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 Design and Appearance:

The proposal extends rearwards from the host building at 62 - 64 Preston Road with the existing basement and shop separated from the residential use. The upper levels would have a rendered finish that matches the host building at 62 - 64 Preston Road. However due to level of the floors of the above ground flats the windows on the proposal would not line up with the window on the host building or of the three storey building detached building that is adjacent to the application site. Furthermore the surrounding detail around the proposed windows clashes with the dark colour of the host building. The closeness of the proposed windows also negatively contrast with the wide spacing of the windows on the host building creating a cluttered appearing on the street scene.

8.4 The proposed mansard roof with dormer windows is similar to 1980's design and does not respect the older 'Victorian' characteristics of the locality.

- 8.5 To appear subordinate the floor levels of the flats have been reduced compared to the host building. This results in the eaves being mid-way of the upper storey windows on the host building, but fails to reduce the bulkiness of the proposal, which together with the roof form of a mansard has a major impact on the street scene. The height and depth therefore results in a bulky and dominant feature on the street scene.
- 8.6 Thus the design and appearance are contrary to City Plan Policy CP12 and Local Plan Policy QD14.
- 8.7 Standard of accommodation:
The proposal would form four additional units of accommodation with the basement being a two bedroom layout and the upper levels being one bedroom accommodation. The rooms are considered to be of an adequate size throughout. All floors are accessed from the communal stairwell and circulation space is considered to be reasonable. The proposed upper flats would not have access to private amenity space. However the first and second floor will have small balconies and the lower two bedroom flat has a small outside amenity space.
- 8.8 The standard of accommodation within the proposal is considered acceptable to policy QD27 of the Brighton & Hove Local Plan.
- 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 No indication has been shown on the drawings the 45 degree line from the edge plan the outlook and openness of the adjoining neighbours at first and second floor at 60 Preston Road (Council Tax records indicate that this a maisonette) would be affected by the proposal and would restrict the amount of sunlight entering their habitable properties.
- 8.11 The accommodation at the detached property adjacent to the proposal at 10 Ditchling Rise appears to be shop/office use at ground floor and assumed to be residential on the upper floors. On the side elevation facing the proposal are two small windows on the second floor. It is considered that the effect on these secondary windows will be minimal by the proposal.
- 8.12 The residents on Ditchling Rise that face the proposal currently enjoy a generous outlook and privacy due to the distance from their frontage to the rear of the buildings opposite within this residential area. However should the application be approved the front of the proposal would be in line with the other properties further down the road and the outlook and privacy due to the distance would be acceptable and is what is to be expected within this city residential landscape. Regrettably the height of the proposal could restrict the entry of

sunlight during the middle of the day in ground and basement flats opposite but this would not be considered enough reason to refuse the application.

- 8.13 The amenity and impact on the residents of the host building upper levels which are residential has also to be considered and protected. On both first and second floors and roof level there are bedrooms indicated on the existing plans facing rearwards which currently face north east and therefore have limited sunlight.
- 8.14 Regarding the bedrooms on the first floor - the current outlook from one bedroom is of the two projections, one being on the host building and the other of the adjoining neighbours a small distance away. If the proposal is built it would result a far greater expanse of brickwork on the left hand outlook. The second bedroom on the first floor is to have its window turned through 90 degrees and placed on a connecting extension. Thus no direct sunlight or outlook would be offered to anyone standing in the middle of the room. The outlook from the repositioned window would be tunnel like of two high sides of wall with no opportunity of sunlight during the day.
- 8.15 Regarding the bedrooms on the second floor - as for the first floor one bedroom will have an extension and the window turned through 90 degrees. Again there would be no direct outlook from the bedroom and the outlook afforded would be limited and tunnel like. The other bedroom at present overlooks the roofs of the projections from the host building and the adjoining neighbours. Thus the proposal would block this openness and give a sense of more enclosure plus block the sunlight that this room benefits from.
- 8.16 The room within the roof has no obstructions at present on neither outlook nor sunlight. However the roof of the proposal will restrict the outlook that it currently enjoys.
- 8.17 The proposal would therefore affect the amenity of the current amenity of the residents of the host building and contrary to Policy QD27 of the Brighton & Hove Local Plan
- 8.18 **Refuse and Recycling**
The application does not appear to incorporate refuse nor recycling bins however there are storage areas and if the application was to be approved these items could be secured by condition.
- 8.19 **Sustainable Transport:**
A bicycle store is indicated on the application drawings however these are not compliant with Brighton and Hove criteria. However if the application was to be approved this could be secured by condition.
- 8.20 Whilst no additional car parking is proposed, it is considered that although the site is in a very accessible location for travel by sustainable modes, there is potential for overspill parking and increase demand on the surrounding controlled parking zone therefore if the application was to be approved and 'car free' condition would have been applied to the decision.

8.21 Highways have identified within their report a number of junctions that require upgrading in respect of disability and access needs and if the application was approved a contribution would of be sought from the applicant in regard to this

8.22 **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. This would be secured by condition on any approved application.

9. EQUALITIES

9.1 None identified.

