

<b><u>No:</u></b>	<b>BH2017/01818</b>	<b><u>Ward:</u></b>	<b>South Portslade Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>1 Denmark Road Portslade BN41 1GJ</b>		
<b><u>Proposal:</u></b>	<b>Erection of a 2 storey dwelling with room-in-roof (C3) adjoining existing dwelling house with off street parking.</b>		
<b><u>Officer:</u></b>	Charlotte Bush,	tel:	<b><u>Valid Date:</u></b> 26.05.2017
	292193		
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	21.07.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Liam Russell Architects Ltd 24 Windlesham Road Brighton BN1 3AG		
<b><u>Applicant:</u></b>	Mr & Mrs Colin and Marilyn Redshaw C/O Liam Russell Architects Ltd 24 Windlesham Road Brighton BN1 3AG		

## 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>
Location and block plan	001	A	26 May 2017
Floor Plans Proposed	010	B	25 July 2017
Floor Plans Proposed	011	B	25 July 2017
Floor Plans Proposed	012	C	25 July 2017
Elevations Proposed	020	B	25 July 2017
Elevations and sections proposed	021	B	25 July 2017
Elevations Proposed	030	B	25 July 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 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, render and tiling (including details of the colour of render/paintwork to be used)
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering
- c) Samples of all hard surfacing materials
- d) Samples of the proposed window, door and balcony treatments
- e) Samples of all other materials to be used externally

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 Brighton & Hove City Plan Part One.

4 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011 +A 1 :2013 - Investigation of Potentially Contaminated Sites - Code of Practice;
- b) And if notified in writing by the local planning authority that the desk top study identifies potentially contaminant linkages that require further investigation then,
- c) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS 10175:2011 +A 1 :2013;
- d) And if notified in writing by the local planning authority that the results of the site investigation are such that site remediation is required then,
- e) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

5 The development hereby permitted shall not be occupied or brought into use until there has been submitted to, and approved in writing by, the local planning authority a written verification report by a competent person approved under the provisions of condition (4)c that any remediation scheme required and approved under the provisions of condition (4)c has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority the verification report shall comprise:

- a) Built drawings of the implemented scheme;

- b) Photographs of the remediation works in progress;
- c) Certificates demonstrating that imported and/or material left in situ is free from contamination.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

**Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 7 The residential unit hereby approved shall not be occupied until it 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 Brighton & Hove City Plan Part One.

- 8 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 CP8 of the Brighton & Hove City Plan Part One.

- 9 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.

- 10 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 any proposed trees, including number and species and planting method of any trees
- d) Details of the green roof

**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 11 The hard surfaces 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 policies CP8 and CP11 of the Brighton & Hove City Plan Part One.

- 12 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.

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. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.  
The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The site is located within a predominantly residential area and is adjacent to an existing two storey end of terraced house known as 1 Denmark Road. The plot originally had a garage but this was demolished some years ago and this area is

now overgrown. The rear garden of 1 Denmark Road is separated from this land with a low level fence.

- 2.2 To the front of this plot is one off street parking space and dropped kerb, a remnant from the original garage. This parking area is separated from the rear portion of the plot by a 1.8 metre high fence.
- 2.3 On the north boundary of the site are two garages serving 40 Vale Road and have a frontage onto Denmark Road. To their rear are the rear gardens of 36 and 38 Vale Road. To the east of the site are the rear gardens of 9, 11 and 13 Norway Street. To the west on the opposite side of the road, are 2 and 3 storey flats with garden area to the front.

### 3. RELEVANT HISTORY

**BH2016/06290** - Erection of a 2 storey dwelling with room-in-roof (C3) adjoining existing dwelling house with off street parking. Refused 31 March 2017.

Reason for refusal:

1. The proposal by virtue of its materials and form would appear as an incongruous feature on the streetscene and as viewed from many surrounding properties, particularly 38 and 40 Vale Road. The flat-roofed first and second storey projections would be dominant features to the rear and cause harm to the largely unaltered character and appearance of the terrace and surrounding area. Due to the large footprint of the proposal and siting within the irregularly shaped site the current openness would be lost and a cramped form of development would result. The proposal is therefore contrary to policy CP12 of City Plan Part One.

**BH2010/01114** - Construction of two storey dwelling. Appeal Dismissed 6 May 2011. The proposed dwelling was considered to form an inappropriate addition at the end of the row of terraced properties due to its stepped appearance and the limited size of the site. The scheme was also considered to be overdevelopment of the site.

**BH2008/00583** - Two storey side extension and conversion to form 2 no. 2 bedroom flats. Refused 28 April 2008

### 4. REPRESENTATIONS

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

- The 2 storey house with room in the loft will overpower the neighbouring property and garden, and is inches away from the boarder.
- The extension would have a severe detrimental effect on daylight and sun into the garden and windows of the neighbouring properties, and will increased overlooking and loss of outlook.
- The proposed development is an out of character dwelling for the area and would have a negative effect on 8 neighbouring properties.

- The plans might have been slightly altered but that does not change the fact that this plot/area is the most unsuitable small space to build on.
- In the area around Norway Street every available piece of land is being built on making it very densely populated.
- There is great difficulty parking and although this house will have one parking space there will be visitors, and most people seem to have 2 cars to a household these days, which will add to the lack of parking.

4.2 **Councillor Alan Robins** objects to the application, a copy of the letter is attached.

4.3 **Four (4)** additional letters of objection have been received in response to re-consultation of revised plans received on the 25/07/2017.

- The proposed development is too close to other nearby properties.
- Reduced light, outlook, privacy and increased overlooking and overshadowing.
- The plot is too small
- Existing parking problems will be exacerbated
- Similar applications have already been refused. Resubmission is leading to anxiety for near-by residents.
- Residents already suffer from additional noise disturbance from the recent development on Norway Street. Noise tends to travel between the gardens, which is very bothersome. An increased population would further increase noise.

## 5. CONSULTATIONS

### 5.1 **Environmental Health:** No objection

The potential former uses in the locality may have had the potential to cause localised contamination. A closed landfill exists at approximately 23metres to the West. This had waste deposited between 1940 and 1960, some of which was known to be putrescible waste, and the site does not have any active gas control mechanism.

5.2 We note consistent laundry uses to the South East boundary which are apparent in contemporary trade directories from 1902 through to 1974. As such, we are satisfied our concerns may be overcome through the application of a phased condition to address potential land contamination. This must include an assessment for landfill gases.

### 5.3 **Sustainable Transport:** No objection

The proposed changes to pedestrian access arrangements onto the adopted (public) highway are deemed acceptable.

5.4 Two cycle parking spaces in their supporting evidence. However there is a lack of detail therefore cycle parking is requested by condition.

5.5 The applicant is not proposing any changes to the existing vehicle access arrangements onto the adopted (public) highway which is deemed acceptable.

However the proposed hardstanding material must be altered from concrete to a permeable and/or porous material and levels leading surface water away from the frontage or positive surface water drainage along the frontage to minimise run-off onto the adopted (public) highway.

- 5.6 The applicant is proposing 1 car parking space which is deemed acceptable. However, the intention to retain motorcycle parking may make the hardstanding cramped. The site is outside of a controlled parking zone so there is free on-street parking available.

## **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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- 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  
CP7 Infrastructure and developer contributions  
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  
SU9 Pollution and nuisance control  
SU10 Noise Nuisance

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:

SPD03 Construction & Demolition Waste  
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 impacts of the proposed development upon the visual amenities of the Denmark Road streetscene and the wider area, the living conditions for future occupiers, and the impact upon the amenities of the neighbouring properties.
- 8.2 **Principle of Development:**  
The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 Given the policy context and the fact that the site is within an established residential area, the principle of a dwelling in this location is acceptable.
- 8.4 **Design and Appearance:**  
Brighton & Hove City Plan Policy CP12 and Local Plan policy QD5 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policies CP12, CP14 and QD5 require that new infill development does not result in town cramming or detriment to the amenity of the surrounding area. Policy CP14 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.5 The proposal is for a two storey house which would be attached to the existing terrace forming 1-6 Denmark Road. This current application is a revision of planning application BH2016/06290 which was refused on the 31st March 2017, primarily due to a first floor rear projection and rear metal-clad dormer which were considered inappropriate in this setting.
- 8.6 The plans for the current application initially retained the first floor projection and rear dormer, but these have been removed during the lifetime of this application.

- 8.7 The overall plot measures 137m<sup>2</sup> and is narrower at the front, measuring 4.2m increasing to 10m at the rear.. The constraints of the site are such that the proposed dwelling would be set back from the existing building line 1-6 Denmark Road. However, this would have the benefit of allowing off street parking for one car at the front of the proposed dwelling. The house would increase in width as it extends back into the plot, but the front elevation would be of a similar width as other houses in the terrace when viewed from the street.
- 8.8 The front elevation of the proposed development would be finished in grey brick, painted render, and clay roof tiles to match the adjoining property, and will feature an overhang to allow undercroft parking as well as a single front facing roof light. There is no objection in principle to the appearance of the proposed front elevation.
- 8.9 The rear elevation would feature a single storey flat roofed rear projection measuring 2.8m high with an eaves height of 2.6m and extending 3.7m from the proposed main rear building line. The projection would feature patio doors to the garden as well as a fixed-glazed corner window and other rear fenestration providing views into the garden.
- 8.10 The first floor rear building line would correspond with the rear building line of the adjoining property. Two roof lights would be provided at second floor level. The rear elevation would be finished in grey brick, painted render and roof tiles to match the adjoining property. A brick built cycle storage will be built to the side of the proposed development and would be accessed via a side path leading to a rear raised terrace and garden area. The side elevation would predominantly be finished in render with some brick detail at ground floor level; there are no first floor side windows proposed.
- 8.11 The overall appearance of the proposed dwelling is considered acceptable. The dimensions are appropriate in terms of the size of the plot and the near-by properties. The overall design is broadly similar to the adjoining properties, but the use of a grey colour palette provides a complementary contrast to the existing buildings and highlights it as a new building on the streetscene.
- 8.12 It is therefore considered that the previous concerns raised in applications **BH2016/06290** and **BH2010/01114** have been overcome.
- 8.13 **Standard of Accommodation**  
The internal layout would comprise an entrance hallway, study/bedroom, W.C, and open plan kitchen/dining room/lounge. The first floor layout would comprise one double bedroom measuring 11m<sup>2</sup> and a single bedroom measuring 7.5m<sup>2</sup>, storage, a family bathroom and staircase leading up to a bedroom in the attic space. The attic room would likely have restricted head room. The floor space with headroom above 1.5m has not been illustrated on the plans, but has been calculated using sectional drawing as approximately 10m<sup>2</sup>.
- 8.14 Although the master bedroom is marginally smaller than the preferred 11.5m<sup>2</sup>, it is considered that the overall space provided by the proposed development is good and the layout makes the best of the limited space. It is therefore

considered that the slightly smaller than ideal master bedroom would not warrant the refusal of this application.

- 8.15 Policy HO5 requires suitable external amenity space to be provided for new residential development. The private amenity space is located at the rear of the property and measures approximately 55m<sup>2</sup>. There would also be separate space for cycle storage facilities. This level of private amenity space is considered acceptable for a house this size.
- 8.16 **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.
- 8.17 It is noted that the rear projections on the Norway Street properties that face the application site are blank walls without any windows, so the only outlook that would be affected is from windows on the main rear elevation, which are situated over 28 metres away from the first floor windows of the proposed development. Additionally, there are trees/hedges within the gardens of Norway Street which further limit outlook from these properties into the application site. It is therefore considered that there would be no impact on the outlook and privacy at ground floor and extremely minimal impact at first floor of 7-11 Norway Street. Given the position/orientation of the proposed dwelling, there would be no restriction on sunlight into habitable rooms within these properties.
- 8.18 The properties to the north, on Vale Road, will view the side elevation of the proposal. There are no proposed windows to the first floor side elevation of the new dwelling. Consequently, there will be no views into the rear garden or rear rooms of No 40, and only oblique views of the rear garden of 38 Vale Road. It would be possible to view the rear garden of No 36. However, the garden is already overlooked and the additional impact is therefore not considered significant. The rear windows of No.36 are situated over 16m away, and there is inevitably a degree of mutual overlooking from window openings at upper floor levels in this suburban area. As such the proposal would not result unacceptable views of neighbouring properties given their separation distance to the properties on Vale Road and Norway Street.
- 8.19 The proposed scheme would not result in a loss of outlook for 36 - 40 Vale Road as these properties already look over the flank wall of 1 Denmark Road. The side elevation of the new dwelling is closer to these properties on Vale Road but any increase in overshadowing would predominantly affect the garages to the rear of No.40, and to a lesser extent part of the rear garden of No 38. It is therefore considered that the limited increase in overshadowing does not warrant the refusal of this application.
- 8.20 The flats on the other side of the road are too distant to for the proposal to have any impact on their outlook or privacy or restriction on sunlight.

- 8.21 The occupants of 1 Denmark Road would overlook a 3m deep single storey rear projection, which is a form of development common to these situations, and isn't considered to have an adverse impact on these neighbours.
- 8.22 **Sustainable Transport:**  
One off street parking space would be provided with the proposed scheme which is considered acceptable. The applicant is not proposing any changes to the existing vehicle access arrangements onto the adopted (public) highway which is again acceptable. The proposed hardstanding material will be altered from concrete to a permeable and/or porous material and levels must lead surface water away from the frontage. This will be secured by condition.
- 8.23 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal so the application is deemed acceptable. However it is likely that the additional dwelling will result in an increase in pedestrian and mobility and visually impaired trip generation.
- 8.24 **Sustainability:**  
Policy CP8 of the Brighton & Hove City Plan Part One require 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 can be secured via a suitably worded condition.
- 8.25 **Landscaping and biodiversity:**  
The proposed development would be unlikely to have any significant impacts on biodiversity and there are no sites designated for their nature conservation interest that would likely be impacted by the proposed development.
- 8.26 However, the proposed landscaping and green roofs offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act and NPPF.

## 9. EQUALITIES

- 9.1 None identified.

