

<u>No:</u>	BH2017/02273	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	85 Rotherfield Crescent Brighton BN1 8FH		
<u>Proposal:</u>	Erection of 1no three bedroom dwelling (C3) adjoining existing property including creation of new crossovers and associated alterations.		
<u>Officer:</u>	Emily Stanbridge, tel: 292359	<u>Valid Date:</u>	06.07.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	31.08.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	15.11.2017
<u>Agent:</u>	Deacon And Richardson Architects 253 Ditchling Road Brighton BN1 6JD		
<u>Applicant:</u>	Mr Morel De Mendonca 411 Ditchling Road Brighton BN1 6XB		

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.

Plan Type	Reference	Version	Date Received
Location and block plan	EX.001		6 July 2017
Site Layout Plan	PL.001		6 July 2017
Floor plans/elevations/sect proposed	PL.100		6 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 render and tiling (including details of the colour of render/paintwork to be used)

- b) Details of all hard surfacing materials
- c) Details of the proposed windows and doors

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.

- 4 No extension, enlargement or other alteration of the dwellinghouse(s) 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 for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5 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 Rotherfield Close with Rotherfield Crescent and at the junction of and across Youngsmere Close with Rotherfield Crescent.
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.
- 6 The new/extended crossovers and accesses shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.
- 7 Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover [outside site on Rotherfield Close] back to a footway by raising the existing kerb and footway.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and SA6, CP7, CP9, CP12, CP13 and CP15 of the City Plan Part One.
- 8 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.

9 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 and soft surfacing;
- b) Details of all boundary treatments;
- c) Details of all proposed planting

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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 City Plan Part One

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 None of the residential units hereby approved shall 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.

12 None of the residential units hereby approved shall 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.

13 No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance 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.

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 planning permission granted includes an obligation upon the applicant to carry out small scale footway improvements on the adopted (public) highway that is owned by the Highway Authority (in this case Brighton & Hove City Council). Previously the applicant would have been conditioned to enter into a bespoke legal agreement and pay a contribution towards these works being carried out for the benefit of the development but to amongst other reasons reduce the costs of these works for all parties concerned the council is now obligating the applicant to carry out these works. The applicant or their representative is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) who will provide information and if approved, a licence (instead of a bespoke legal agreement) for what, when & where work can be done, who will be permitted to carry out the works, possible contractor contact details to place orders with, design advice, material advice and will check that the footway improvements are built satisfactorily. The emphasis where possible is on minimising what needs to be done to build a satisfactory footway improvement for the benefit of the applicant, future occupants and visitors of the site and the community as a whole, and in particular the mobility and visually impaired of those respective groups. Finally be advised that the applicant or their representative must obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted (public) highway to satisfy the law and requirements of condition 5.
3. The planning permission granted includes vehicle crossovers which require alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highway Authority. The applicant must contact the Streetworks Team (permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

- 4 The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team permit.admin@brighton-hove.gov.uk 01273 290729) at their earliest convenience to avoid any delay

2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 This application relates to a semi-detached property positioned on the western side of Rotherfield Crescent at the junction with Rotherfield Close. The host property benefits from a large garden, wrapping around the property. In addition to the west of the property is a double garage with off street parking.

3. **RELEVANT HISTORY**

BH2016/01778: Erection of 1no three bedroom dwelling (C3) adjoining existing property including creation of new crossovers and associated alterations. Refused November 2016 and dismissed at appeal February 2017.

BH2016/01796: Demolition of existing garage to rear and erection of 2no semidetached dwellings (C3) with associated car parking. Refused July 2016 and dismissed at appeal February 2017.

4. **REPRESENTATIONS**

- 4.1 Eleven (11) letters have been received objecting to the proposed development for the following reasons:

- The development will encroach on the privacy of existing houses
- An additional dwelling will restrict access to the close
- Parking is already a problem and another dwelling will add to this
- The additional cars will further restrict access for emergency vehicles
- Loss of views
- Increase of noise and disturbance
- Increased overlooking and overshadowing
- The patio area proposed is too small for a family
- The overall height of the property
- The proposals do not provide enough off-street parking
- The development is too big for the site

5. **CONSULTATIONS**

- 5.1 **Sustainable Transport:** No objection

The Highway Authority has no objections to this application subject to the inclusion of the following conditions:

- Reinstatement of the redundant crossover

- Pedestrian crossing improvements to be installed at the junction of and across Rotherfield Close with Rotherfield Crescent and at the junction of and across Youngsmere Close with Rotherfield Crescent.
- Full details of a cycle parking scheme

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
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP10 Biodiversity
 CP12 Urban design
 CP14 Housing density
 CP19 Housing mix

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

TR7 Safe Development
 TR14 Cycle access and parking
 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
 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 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 **Character and Appearance:**
Planning permission is sought for the construction of detached property of a two storey design with additional accommodation provided within the roof space. The proposed new dwelling is positioned to the west of the existing semi-detached property. The new dwelling would be situated in the rear garden space of the existing property and would replace an existing single storey double garage.
- 8.4 Rotherfield Crescent is of a suburban character and is characterised by semi-detached and terraced properties with front and rear gardens, commensurate to family dwellings in the area. The properties to the west of the development form a terrace of three properties with a staggered building line. The original host property, to the east of the development proposed at its most northern point, is positioned on the same building line as 1 Rotherfield Close. The side extension to No. 85 Rotherfield Crescent is a later addition to the property for which no planning history can be found.
- 8.5 The front elevation of dwelling would come slightly forward of No 1 Rotherfield Close, similarly to the previous scheme for two semi-detached properties. However, the Planning Inspector noted in the appeal decision of the previous scheme (BH2016/01796) that this 'positioning would not result in a significant reduction in the sense of spaciousness on the corner of Rotherfield Crescent and Rotherfield Close. This is because the side garden of No 85 would be retained, and it would still be possible to see towards the houses on Rotherfield Close from the main road.'
- 8.6 The Planning Inspector also noted that due to the position of the development, the property would be mainly seen in the context of Rotherfield Close, which has a closer knit pattern of development than Rotherfield Crescent. The dwelling proposed would have a lower ridge height than No.1 Rotherfield Close and as such the roofscape would be seen against the backdrop of roofs rising away from the property.

- 8.7 The dwelling proposed incorporates a design and materials which reflect that of existing properties within the streetscene and overall it is considered that the property would be in compliance with Policy CP12 of the Brighton and Hove Local Plan.
- 8.8 **Standard of accommodation**
The proposed dwelling comprises of, an open plan layout at ground floor level, incorporating a kitchen/dining/living area with access to the rear garden, two double bedrooms and two bathrooms at first floor level and a further bedroom with en-suite at second floor level, within the roof space.
- 8.9 The guidance set out within the governments Technical Housing Standards- Nationally described space standards states that a 3 bedroom property of this type should provide a minimum gross internal floor space of 99sqm. The proposed dwelling is in accordance with these standards, measuring 101sqm.
- 8.10 Each habitable room proposed benefits from sufficient circulation space. Whilst the proposed third bedroom has a reduced floor area above 1.5m in height, the bedroom would still be capable of providing a single bed space. Furthermore each room benefits from natural light and ventilation.
- 8.11 To the rear of the property is a patio area which forms the private amenity space to the property. Whilst it is acknowledged that the garden proposed is notably smaller than that of neighbouring properties, it is considered to provide sufficient outdoor space for future occupiers in accordance with HO5.
- 8.12 **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.
- 8.13 The proposed new dwelling is positioned just off the adjoining boundaries to 1 Rotherfield Close and 85 Rotherfield Crescent. Whilst the rear boundary adjoins the side boundary of 83 Rotherfield Crescent.
- 8.14 The new dwelling proposed is separated from 1 Rotherfield Crescent by a single storey garage, resulting in an increased separation distance from the occupiers of this property. Furthermore no windows are visible to the side elevation of this neighbouring property and no side windows are proposed to the new dwelling. The position of the new dwellings is such that they do not project beyond the existing rear wall of No. 1 Rotherfield Close and therefore no loss of light would result to this neighbouring property.
- 8.15 The previous application (BH2016/01796) raised concern over the amenity impact to the existing property to the application site, given the close proximity of the development proposed to the existing rear ground floor rooms. The proposed development has been reduced in width by 5m and as such it is now

considered that a sufficient separation distance is maintained from the rear elevation of No.85. Whilst it is noted that the proposal will result in a blank façade to the east, given the modest wrap around design of the garden to No.85 this is not considered to result in an overbearing impact to this property that would justify refusal of the application.

- 8.16 The southern boundary of the proposed development adjoins the side boundary of 83 Rotherfield Crescent. As existing this neighbouring property experiences mutual overlooking from the existing host property to the application site. This is however minimised given the angle of the shared boundary.
- 8.17 As existing given the rectangular shaped rear gardens of properties within the area and the orientation of the plots on Rotherfield Crescent and Rotherfield Close, the rear garden of No.83 benefits from open views to the north.
- 8.18 The previous application on the site (BH2016/01796) raised concerns over resultant levels of overlooking, loss of privacy and sense of enclosure to No.83 given that the new dwellings proposed were two storey in nature and extended along the full length of the private rear garden to this neighbouring property.
- 8.19 Whilst this neighbouring property currently enjoys an open aspect to the north, the current proposal has been reduced in width by approximately 5m. The proposed dwelling is now positioned at the west westerly end of this neighbouring garden and as such it is considered that this neighbouring occupier will still benefit from views to the north.
- 8.20 To the rear of the property at ground floor are a set of French doors and window to serve the proposed kitchen. Given the gradient of the application site and neighbouring properties, the ground floor fenestration would be partially obscured by the proposed retaining wall. At first floor level two narrow windows are proposed to serve bathrooms. As such it is not considered that the rear fenestration would result in harmful levels of overlooking to neighbouring properties.
- 8.21 As such the proposed development is considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.
- 8.22 Landscaping:
The proposed plans incorporate new boundary treatments to the east and west. In addition to the rear of the site a new retaining wall is proposed. The plans also indicate the planting of trees to the front of the property. Final details, including all boundary treatments and proposed planting will be secured by condition.
- 8.23 **Sustainable Transport:**
For this development of 1 residential unit with 3 beds the minimum cycle parking standard is 2 cycle parking spaces in total. Full details of the proposed cycle parking are secured by condition.

- 8.24 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, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if appropriate) are to be installed at the junction of and across Rotherfield Close with Rotherfield Crescent and at the junction of and across Youngsmere Close with Rotherfield Crescent. These works are secured by condition.
- 8.25 It is noted that there is public concern about parking in this neighbourhood and that the existing and proposed access off Rotherfield Close is not where people normally park their vehicles so there will not be a loss of on-street parking as a result of changes to the vehicular access.
- 8.26 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 and within their capacity so the application is deemed acceptable.
- 8.27 For this development of 1 residential unit the maximum car parking standard is 2 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (one space) is in line with the maximum standards and is therefore deemed acceptable in this case.
- 8.28 The proposed hardstanding should be constructed of porous and/or permeable materials. In addition given the gradient of the site consideration must be had to surface water, to ensure that no water drains of the site and onto the adopted highway.
- 8.29 **Sustainability:**
Policy CP8 of the Brighton and 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.

9. EQUALITIES

- 9.1 It is recommended that access standards as required by Policy H013 be secured by planning condition.