

<b><u>No:</u></b>	<b>BH2017/04186</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To Rear Of 62-64 Preston Road Brighton BN1 4QF</b>		
<b><u>Proposal:</u></b>	<b>Erection of a 5no storey extension to rear of existing building incorporating excavations for basement enlargement and alterations to provide 4no flats (C3) and bin store.</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 293335	<b><u>Valid Date:</u></b>	20.12.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	14.02.2018
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Bold Architecture Design Ltd 14 Gladys Road Hove BN3 7GL		
<b><u>Applicant:</u></b>	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 five storey extension, by reason of its excessive height, depth, roof form, detailing and materials represents an excessively scaled addition that is bulky, unduly dominant and forms an overdevelopment of the site. The proposal fails to respond to the surrounding context and development pattern and fails to relate to the main building and adjoining development. The proposal is therefore significantly 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.
1. The proposed extension, by reason of its excessive height, depth and bulk as well as its proximity to neighbouring dwellings, would result in a significant loss of light and outlook, particularly in reference to the rear windows of the existing flats within 60, 62 and 64 Preston Road. The mass and scale of the extension would also result in an overbearing and oppressive impact to 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	GA01		20 December 2017
Floor Plans Proposed	GA05	C	20 December 2017
Floor Plans Proposed	GA06	C	20 December 2017
Floor Plans Proposed	GA07	C	20 December 2017
Elevations Proposed	GA08	C	20 December 2017
Elevations Proposed	GA09	C	20 December 2017
Elevations Proposed	GA10	C	20 December 2017

## 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.
- 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.
- 2.4 The application is a resubmission of two previously refused schemes.

## 3. **RELEVANT HISTORY**

**BH2017/02137** Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations. Refused 08.11.2017 for the following reasons:

1. The proposed four storey extension, by reason of its excessive height, depth, roof form, detailing and materials represents an excessively scaled addition that is bulky, unduly dominant and forms an overdevelopment of the site. The proposal fails to respond to the surrounding context and development pattern and fails to relate to the main building and adjoining development. The proposal is therefore significantly 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. The proposed extension, by reason of its excessive height, depth and bulk as well as its proximity to neighbouring dwellings, would result in a significant loss of light and outlook, particularly in reference to the rear windows of the existing flats within 60, 62 and 64 Preston Road. The mass and scale of the extension would also result in an overbearing and oppressive impact to 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

3. The proposed extension, by reason of the positioning of the south facing windows and rear balconies, would result in a significant loss of privacy and overlooking as well as a perceived sense of overlooking to the adjoining properties to the south, in particular 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2016/06407** Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations. Refused 21.04.2017 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.

#### **4. REPRESENTATIONS**

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

- Effective use of the site
- Tidy up/enhance the area
- Additional housing
- Good design

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

- Overshadowing
- Loss of privacy
- Out of scale
- Overlooking
- Detrimental effect on the visual amenity
- Out of character
- Highway safety
- Lack of parking
- Flats are too small

- Disruption during construction
- Where would the existing refuse bins as well as the bins for the new flats be located.

## 5. CONSULTATIONS

### 5.1 Sustainable Transport: Comment

No Highway objections subject to the inclusion of the necessary conditions including cycle parking and car free housing,

## 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  
 CP2 Sustainable economic development  
 CP8 Sustainable buildings  
 CP9 Sustainable transport  
 CP12 Urban design

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

TR7 Safe Development  
 TR14 Cycle access and parking  
 QD5 Design - street frontages  
 QD14 Extensions and alterations  
 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 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 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 **History of the Site:**  
As detailed above, two similar developments have recently been considered by the Planning Committee in April 2017 and Nov 2017, both refused. Whilst the principle of development was not rejected at the site when these applications were determined, there were concerns regarding the appearance of the development and the impact on amenity of existing and future residents.
- 8.4 The key differences between the most recently refused scheme BH2017/02137 and the current application include:
- Revisions to the fifth floor 'pod' storey including installation of a larger window on the northern side and introduction of a zinc fascia with 200mm roof overhang.
  - Replacement of the balconies to the eastern elevation with Juliet Balconies.
  - Obscure glazing to the upper floor windows on the southern elevation.
- 8.5 **Design and Appearance:**  
The proposal seeks permission for a four storey rear extension with a basement level, largely infilling the rear garden area of 62 and 64 Preston Road. Concerns were previously raised within the Officers report in respect of the excessive height, depth and inappropriate roof form.
- 8.6 As noted above, the scheme has been revised again as part of this current application. It is considered that the modest revisions as outlined above have not addressed all of the previous concerns. The removal of the balconies to the rear, which were previously considered to be uncharacteristic and harmful additions is welcomed, and represents a positive amendment. Similarly, the

introduction of obscure glazing on the southern elevation would overcome any direct overlooking of the adjoining neighbours.

- 8.7 The surrounding area is characterised by rows of three storey Victorian Terraces. Preston Road, forms a main thoroughfare, with this section of the road containing ground floor commercial units and residential above. Ditchling Rise predominately contains residential properties. Overall, the area has a strong coherent rhythm and character, with uniformed plot sizes and layouts. The application site is located on the junction of Preston Road and Ditchling Rise and at some point in the past, the two properties 62 and 64 Preston Road have been amalgamated across the ground floor, but the upper floors remain separate. The rear gardens of this terrace are visible from Ditchling Rise and provide a break and relief between the developments fronting the two roads. This is a common scenario within the immediate vicinity, and adds to the sense of rhythm and spacing of the area.
- 8.8 It is considered that the revisions to the 'pod' do not mitigate the overall harm caused by the mass and scale of the extension and which formed grounds for refusal on the previous proposals. The roof form, described as a 'pod' within the submission, appears as an additional storey with a large expanse of flat roof, which fails to relate to the main dwelling and characteristics of the surrounding properties, which predominantly have traditional hipped roofs, and therefore jars with the main dwelling. Whilst this design solution can sometimes be acceptable, it is considered that in this instance it would be a highly noticeable and incongruous feature of the extension which would be exacerbated by the use of the zinc cladding.
- 8.9 Revisions have been made to the fenestration at the roof level. The previous report stated that the proposed small window openings exacerbated the harm of the zinc roof design as the small openings would provide little relief from the large expanse of roof. The current application has revised this detail and the northern windows have been enlarged, one of the windows being substantially larger, within the current scheme. It is considered that this solution has not mitigated the harm of the roof design and material. Due to the design and proportions of the proposed windows, they would now form further inappropriate features, that would be out of keeping with the design and proportions of window openings elsewhere on the building. These features would therefore be unduly prominent due to their size, design and siting. The proposed roof would now include a 200mm overhang. This detail would not change the above conclusion that the overall roof form is bulky, inappropriate and harmful.
- 8.10 The extension would appear disjointed from the main building, due to the substantially different roof form as well as the contrived design of the 'link' element with the inset corners of extension.
- 8.11 Despite the revisions, it is considered that the proposal would significantly disrupt the rhythm of the surrounding area and due to its excessive size, height and contrived footprint, would appear overly dominant and enclose this valuable spacing. The four storey appearance of the extension would exacerbate the dominance of this feature and would appear out of scale with the main dwelling

and the surrounding development. The irregular footprint of the extension would also be highly evident from within Ditchling Rise due to the prominent corner location. The resultant lack of sufficient garden space would also be evident and uncharacteristic of the area where plots are of similar sizes. All of these factors underline the limitations of the plot and the difficulty in achieving an acceptable development. Whilst it is acknowledged that at both committee meetings a discussion was had about whether a development of this scale would be appropriate within this location, it is considered that the current scheme as not addressed the previous grounds for refusal.

8.12 Overall, it is considered the proposed extension would appear overly prominent by reason of its excessive size, form and design, sitting in stark contrast to the surrounding development. Due to its appearance and design features the development would appear out of character and incongruous with its surroundings. The proposal therefore harms the character and appearance of the existing property, Ditchling Rise streetscene and the surrounding area.

8.13 **Standard of Accommodation:**

All proposed flats would have acceptable layouts and adequate levels of light and outlook. The scheme includes 1no. two bed maisonette over the ground and basement levels. The bedrooms would be located within the basement and would have sliding doors on to a small outdoor patio. Given the land level changes to the rear, the bedrooms would have sufficient light and outlook. The ground floor would be served by side windows, the north side windows would be sited adjacent to the pavement. Only one of these windows would serve a habitable room and it is proposed that the bottom half of this window would be obscure glazed to protect the privacy of the occupiers. It is considered that this a suitable solution to mitigate any harm. The overall size of this unit would satisfactorily meet the recommended room sizes as outlined within 'The Nationally Described Space Standards'.

8.14 The upper floor flats would all be one bedroom units and would range between 54m<sup>2</sup> and 42m<sup>2</sup>. The smallest unit, located on the third floor is showing a single bedroom and on this basis the minimum size for a 1 bed 1 person unit is 39m<sup>2</sup>. The standard of accommodation was considered acceptable at the previous meetings and is largely unchanged. All of the upper floor windows on the southern elevation would be obscure glazed. Whilst this would provide sufficient light into the units, it would restrict the outlook. However given the number of openings on the north and east elevations, it is considered that the units would have sufficient outlook.

8.15 The upper flats would not be provided with any outdoor amenity space, however given the size of the units and the central location, this would not be an uncommon scenario within the immediate vicinity and would not form a reason for refusal.

8.16 **Impact on Amenity:**

Impact on neighbours:

Given the proximity of the extension to the adjoining property No.60, coupled with its excessive height and bulk, the proposal is still considered to cause

significant harm to the main rear windows and rear amenity area of this property.

- 8.17 The proposed extension would be sited approximately 1.7m from the shared boundary with the ground floor residential property within No. 60 Preston Road. It is therefore considered that the extension would have a significantly harmful impact to the ground floor units and the rear garden. The extension would have a maximum depth of 13.5m and would have a maximum height of 12.2m, the scale and mass of the extension would therefore be substantially overbearing and oppressive to the residential occupiers of the ground floor, including the rear amenity space, and would result in a loss of light and outlook.
- 8.18 As noted, the revisions to obscure glaze the south facing windows has mitigated some of the harm caused by the extension in terms of direct overlooking and loss of privacy.
- 8.19 The property at the rear of the application site, 10 Ditchling Rise, is orientated side onto the site. However despite the mass and scale of the proposed development, the separation distance is considered sufficient and the proposal is therefore unlikely to impact on the side windows of this property, which in any case appear to be secondary openings.
- 8.20 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. The proposal whilst it would dominant the views opposite these properties, given the separation, it is considered that no significant harm would occur. 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.
- 8.21 **Impact on existing building/occupants:**  
The amenity of the existing building 62-64 Preston Road is also considered. No 62 has rearward windows directly adjacent to the proposed extension and it is considered that these main windows would still be significantly affected in terms of loss of light and outlook, therefore harming the amenity currently enjoyed by the occupiers of these flats. The upper flats within No. 64 would lose their rearward windows due to the position of the extension. These windows currently provide light and outlook to the entire room that they serve. The relocation of these openings around a corner would provide an indirect source of light and outlook and would leave some areas of the room feeling dark and gloomy, to the detriment of the occupiers.
- 8.22 **Sustainable Transport:**  
The applicant is proposing 6 cycle parking spaces, however the Transport Officer has raised a concern that two of the racks would not be suitable. The development could comfortably accommodate the required number of cycle spaces and therefore if the proposal were acceptable on all other grounds, a

condition could be attached requiring further details to be submitted for approval.

- 8.23 The development would not be provided with any off-street parking. With no on-site car parking proposed there is the potential for flats to increase the demand for on-street parking in this area. 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. Therefore if the proposal were acceptable, a condition would be attached to ensure that the development remains car free.
- 8.24 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 and developer contributions for carriageway related improvements will not be sought.
- 8.25 The Transport Officer has requested that the condition be attached to any approval to secure improvement works to nearby junctions to mitigate the impacts of the development. It is considered that if this was felt reasonable and necessary, this could also be conditioned if the application were to be recommended for approval.
- 8.26 **Sustainability:**  
CP8 of the Brighton and Hove City Plan Part One requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition in the event permission is granted.

## **9. EQUALITIES**

- 9.1 None identified.

