

| | | | |
|--------------------------------------|---|----------------------------|-----------------------|
| <u>No:</u> | BH2017/04070 | <u>Ward:</u> | Hove Park Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 8 Lloyd Road Hove BN3 6NL | | |
| <u>Proposal:</u> | Demolition of garage and erection of 2 bedroom residential dwelling (C3) to rear and associated alterations. | | |
| <u>Officer:</u> | Molly McLean, tel: 292097 | <u>Valid Date:</u> | 11.12.2017 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 05.02.2018 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | |
| <u>Agent:</u> | Simon Bareham Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD United Kingdom | | |
| <u>Applicant:</u> | Ms N Mutawa C/O Lewis and Co Planning 2 Port Hall Road Brighton BN1 5PD | | |

Councillor Brown has requested that this application is determined at Planning Committee.

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 Plan | 01 | f | 11 December 2017 |
| Site Layout Plan | 10 | a | 11 December 2017 |
| Elevations Proposed | 11 | a | 11 December 2017 |
| Floor Plans Proposed | 12 | a | 11 December 2017 |
| Floor Plans Proposed | 13 | a | 11 December 2017 |
| Elevations Proposed | 14 | a | 11 December 2017 |
| Sections Proposed | 15 | c | 11 December 2017 |
| Sections Proposed | 16 | c | 11 December 2017 |
| Elevations Proposed | 17 | e | 11 December 2017 |
| Sections Proposed | 18 | f | 11 December 2017 |
| Floor Plans Proposed | 19 | a | 11 December 2017 |
| Sections Proposed | 20 | a | 11 December 2017 |
| Arboricultural Report | | | 11 December 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) details of the proposed window, door and balcony treatments
 - e) details 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 policy QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. 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 Brighton & Hove City Plan Part One.

5. 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 to all communal areas including numbers and species of plant, and details of size and planting method of any trees.

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 policy CP12 of the Brighton & Hove City Plan Part One.

6. No development shall commence until the fences for the protection of the trees to be retained have been erected in accordance with the submitted arboricultural method statement received on 11 December 2017. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD16 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

7. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses 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 policy QD14 and QD27 of the Brighton & Hove Local Plan.

8. 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 & CP11 of the Brighton & Hove City Plan Part One.

9. Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

10. 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.
11. The dwelling 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.
12. The dwelling hereby permitted 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 Brighton & Hove City Plan Part One.
14. The dwelling hereby permitted 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 Brighton & Hove City Plan Part One.
15. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
16. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
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.

17. a) Prior to commencement, a full asbestos survey of the premises, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then:
 - b) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

The development shall be carried out in accordance with the approved details.

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.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a portion of the rear garden of 8 Lloyd Road which faces onto Lloyd Close in Hove.
- 2.2 Lloyd Road is characterised by the semi-detached and detached dwellings set within largely standardised plots sizes, with some variation depending upon type of building and location of the plot. The properties are set back from the street with front garden areas and driveways. Lloyd Close is a small cul-de-sac comprising 9 properties of similar architectural style within a sweeping street and turning spur. The application seeks the demolition of an existing garage to the rear of number 8 Lloyd Close, and the erection of a two bedroom residential dwelling with associated alterations.

4. RELEVANT HISTORY

BH2016/05174: Demolition of garage and erection of 3 bedroom residential dwelling (C3) to rear and associated alterations. Refused 24/02/17 for the following reasons:

1. *The subdivision of the existing garden to form an additional building plot is considered to be in distinct contrast to the existing layout of plots in this area. A house in this location would be in stark contrast to undeveloped neighbouring gardens and detrimental to the open garden character of the area. Furthermore the full two-storey mass of the development, in conjunction with its inappropriate siting within the plot, is considered to be a poor design which would have a harmful impact upon the character and appearance of the area which is predominantly formed of chalet bungalows within spacious plots set back from the*

street. The development would therefore be contrary to policies CP12 and QD14 of the Brighton & Hove Local Plan.

- 2. The design of the property would fail to provide adequate outdoor amenity space and outlook from a habitable room. The development would therefore be contrary to Policies HO5 and QD27 of the Brighton & Hove Local Plan.*
- 3. The proposed development, by virtue of its bulk in close proximity to the neighbouring boundaries, results in an excessive and un-neighbourly form of development which would be intrusive, overbearing and would cause a sense of enclosure to the occupiers of numbers 8 and 10 Lloyd Road, contrary to policies CP12 and QD27 of the Brighton & Hove Local Plan.*
- 4. The proposed removal of several trees and shrubbery on the plot would detract from the character of the area and would harm the public realm contrary to Policy QD16 of the Brighton & Hove Local Plan.*

This decision was taken to appeal; the appeal was dismissed on the 2nd of October 2017.

The Inspector sets out in their report that they considered the design of the proposed dwelling to be inappropriate and out of keeping with the immediate surrounding development, and furthermore than one bedroom and the garden areas proposed would not provide an adequate standard of accommodation.

The Inspector considered that neighbouring amenity would not be harmed, and that the removal of trees and the proposed landscaping would have been acceptable subject to further details being secured by planning condition.

In summary the Inspector took the following view on the Council's reasons for refusal:

- Reason 1 (design) supported by the Inspector in part in regard to the dwelling design proposed.
- Reason 2 (standard of accommodation / garden provision) supported by the Inspector.
- Reason 3 (impact on neighbouring amenity) not supported by the Inspector.
- Reason 4 (removal of trees and planting) not supported by the Inspector.

BH2013/03809: Erection of 1no two storey dwelling to rear of existing house with associated landscaping and car parking. Refused 03/01/14.

BH2008/01929: Replacement of an existing single storey rear extension with a new 2 storey extension and conversion of an existing garage into a childrens playroom. Approved 22/08/08.

BH2007/04406: Replacement of side and rear single storey extension with two storey extension incorporating roof terrace. Decking and spa to rear of property. Refused 11/02/08.

BH2006/01660: Demolition of existing side and rear single storey extension, proposed replacement extension and other alterations including; rear decking area and outdoor jacuzzi, alterations to side and front windows, and other external alterations to front elevation. Approved 26/06/06.

4. REPRESENTATIONS

4.1 Six (6) letters of objection have been received raising the following points:

- The siting of the development would be out of keeping with the surrounding street scene and would appear cramped and unwelcoming
- The design of the property is out of keeping with surrounding properties, particularly the eaves height and proximity to the front boundary
- The dwelling will cause overshadowing and a loss of privacy to neighbouring properties
- There would be increased noise and disturbance
- The development is contrary to the aims of the National Planning Policy Framework which seeks to ensure good design and reinforce local distinctiveness
- The proposal to remove trees would have a significantly adverse impact on the character and appearance of the area
- The applicant is not intending to re-plant any trees
- The loss of off-street parking spaces would exacerbate parking issues in the area
- The proposed driveway to the front of no. 8 Lloyd Close is inadequately sized for a family car
- Part of the site is not within the ownership of the developer and the proposed trees to be removed are not in the developer's control

4.2 Two (2) letters have been received commenting on the application as follows:

- No objection subject to there being no additional windows being added to the north facing elevation
- No objection subject to the new parking space for no. 8 Lloyd Close being implemented

4.3 **Councillor Brown** objects to the application and this letter is appended.

5. CONSULTATIONS

5.1 **Arboriculture:** Object.

This site does not contain any trees protected by Tree Preservation Orders nor does it lie within any Conservation Area. The local area has quite good tree cover benefiting by virtue of the larger garden sizes in the locality. The proposal is to build in the rear garden of number 8 Lloyd Road, a corner property that flanks onto Lloyd Close.

The proposed dwelling is on a level site that would front onto Lloyd Close, a small estate of 9 dwellings built on land that was the former Borough of Hove Council Parks department nursery. Where the proposed property would access and front on to is just in from the entrance of Lloyd Close. The proposal involves splitting off part of the rear garden of number 8 and constructing a new dwelling on much of rear garden and garage area. This would require the removal of 4 good quality birch trees on the frontage along with a large multi stem Goat Willow tree. In addition to this, from within the existing garden a large Garrya (shrub) requires removing along with a young yew and an apple tree.

The Arboricultural team recognise and agrees with the arboricultural consultant's advice with regard to the willow tree, in that this would be best remove, regardless of any development. However, there is disagreement with much of the other recommendations contained in the consultant's report. The 4 birch trees along with some shrubs were once part of the landscaping planting of public land at the start of the estate and contribute to the local street scene and entrance to the close. Within the plot the further removals of, all be it, rather small specimens will further denude the area of greenery.

Whilst individually the trees and shrubs both within the garden and the open area at the front are not of the highest public amenity they do collectively contribute much to the leafy nature of the local area. This loss and the resulting two small garden areas will have a negative effect on the area and for these reasons the Arboricultural Team would recommend that consent is refused to this application.

5.2 Sustainable Transport: Comment.

Cycle Parking

SPD14 states that a minimum of 1 cycle parking space is required for every residential unit with up to 2 beds and 2 for 3 plus beds and 1 space per 3 units for visitors after 4 units. For this development of 2 residential units with 2 and 3 plus beds the minimum cycle parking standard is 3 cycle parking spaces in total (3 for residential units and 0 visitor spaces). The applicant has kindly offered to install 4 cycle parking spaces for the proposed new dwelling and cycle parking in a store area in the existing dwelling in their supporting evidence however further than that there is a lack of detail therefore cycle parking is requested by condition.

Vehicular Access

The applicant is not proposing changes to the existing vehicle access arrangements onto the adopted (public) highway from the existing garage and is proposing to use again the existing vehicle crossover to the existing dwelling off Lloyd Road. This is deemed acceptable in principle.

Car Parking

SPD14 states that the maximum car parking standard for 2 bedroom dwellings within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 2 car parking spaces for the new 2 bedroom property and 1 car parking space for the existing dwelling within the Outer Area.

For this development of 2 residential units the maximum car parking standard is 3 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (three spaces for the two dwellings) is in line with the maximum standards and is therefore deemed acceptable in this case.

The site is not located within a Controlled Parking Zone (CPZ) and therefore this site should not be made "car free" by restriction of parking permits by the Planning Case Officer as there is no CPZ and waiting list to cause a restriction.

Trip Generation

It is unlikely that there will be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within capacity, the application is therefore deemed acceptable in this regard.

5.3 Environmental Health: Comment

The garage may have been used for motor vehicles and the land may therefore be subject to localised contamination. Furthermore the structure may contain asbestos. Conditions are recommended to address these two issues.

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
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD16 Trees and hedgerows
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
SPD06 Trees & Development Sites
SPD11 Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of a dwelling upon the plot, the design of the proposal, its impact upon the character and appearance of the area, the amenity of adjacent residential occupiers, living accommodation standards, transport/parking and arboricultural interest of the site.
- 8.2 The application seeks to demolish the existing garage to the rear of 8 Lloyd Road and erect a two-storey, two bedroom property with associated off-street car parking and garden area. The existing conservatory at 8 Lloyd Road would be demolished to allow for a larger open garden area to be retained.
- 8.3 As detailed above, application BH2017/05174 was refused by the Council for four reasons. At appeal, of these four reasons, one was partially supported (design of the dwelling), one was fully supported (standard of accommodation / garden provision), and two reasons were not supported (neighbouring amenity and impact upon trees/landscaping).
- 8.4 It is therefore necessary to assess whether the concerns the Inspector did support at appeal have been addressed through the revised proposal now under consideration.

8.5 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 2017 SHLAA Update (February 2018) which demonstrates a

5.0 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.

- 8.6 The proposal for a new residential property in a residential area, which would make a contribution to addressing the housing needs of the city is acceptable in principle. Each scheme must however be assessed on its own merits and the benefits of the scheme must be weighed against any harm which would be caused.

8.7 Design and appearance

The proposed dwelling would be situated in the current rear garden of 8 Lloyd Road. Its frontage would face onto Lloyd Close. The proposed dwelling would be two storeys in height with a pitched roof, gable-end feature, two-storey bay and a chimney breast. The dwelling would have brick walls and a clay-tile roof. The height of the building would be approximately 6.9m with an eaves height of 4.8m and a total footprint of approximately 58m². The total plot size for the new dwelling would be 241m² and the remaining plot size for number 8 would be 338m². The proposed building would be situated 4m behind the front boundary (at its closest point) with a garden area to the rear and south side. There would be a driveway and cycle parking area to the front of the property.

- 8.8 The wider Lloyd Close street scene is formed of detached chalet bungalows in a traditional material palette of brick and clay tiles. The properties feature front driveway areas and good sized rear gardens.

- 8.9 The design of the proposed dwelling in comparison to that previously proposed has been amended, by reducing the overall form, eaves height, footprint and proximity to front boundary. The ridge height of the new dwelling would sit lower than both 1 Lloyd Close and 8 Lloyd Road on either side and the eaves height has been reduced to allow better integration with the chalet bungalows on Lloyd Close. The siting of the property, which would sit 4m behind the front boundary line, would be in keeping with the surrounding plots and would not appear overly intrusive in the street scene. The gable end feature, pitched roof form and proposed materials are considered to respect the prevailing character of the area.

- 8.10 It is considered that the revised design addresses the concerns set out by the Inspector at appeal which related to the scale and design of the previous scheme.

- 8.11 It is acknowledged that the proposed plot size is smaller than other curtilages in the area, however the potential visual harm caused by the plot size is not of a magnitude to warrant refusal of the application in itself, particularly as it has been demonstrated that the proposed design could be successfully incorporated into the street scene and the dwelling could provide an adequate standard of accommodation for future occupants as considered below. On this basis the application is considered to be in accordance with Policy CP12 of the Brighton & Hove City Plan and is recommended for approval.

8.12 Standard of accommodation

The proposed dwelling would have living accommodation at ground and first floor level. The ground floor layout would feature a living room, kitchen, dining area and bathroom. The first floor would consist of two bedrooms and a bathroom.

- 8.13 The Local Planning Authority does not have an adopted policy on minimum room sizes, however the space standard as set out in Government's 'Nationally Described Space Standards' do provide a reasonable indication of sufficient unit sizes based on the number of occupants. This document sets out that a two bedroom property to be occupied by four persons should have a minimum floorspace of 79m². In this case the proposed dwelling would have a total floorspace of 96m² which would provide adequate circulation space for its intended occupancy. Each habitable room would feature a good sized window, allowing for adequate natural light and sufficient outlook. Overall the proposed layout is considered to represent an acceptable standard of accommodation for future occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan.
- 8.14 At appeal in relation to the previous scheme the Planning Inspector raised concerns in relation to the limited garden area which would provide inadequate space for play. The previous proposal provided 84m² of garden area. The plot now proposed would allow for approximately 133m² of private garden space to the rear and side (south-east) of the property. The footprint and occupancy of the dwelling has been reduced in comparison to the previous scheme and as such there is a larger garden area, which is considered to provide sufficient open space commensurate to a two-bedroom property in accordance with Policy HO5 of the Brighton & Hove Local Plan.

8.15 Impact on neighbouring amenity

The proposed dwelling would be situated approximately 16m from no. 8 Lloyd Road (the host dwelling), 20m from 10 Lloyd Road and 6m from 1 Lloyd Close. The siting of the dwelling in the centre of the proposed plot, in conjunction with its limited height would not have a significantly harmful impact on neighbouring properties by way of overshadowing and it would not cause a sense of enclosure. The revised design is considered to overcome concerns raised by the Local Planning Authority in the previous application in this regard. There are no windows proposed at first floor level on the elevations facing nos. 8 and 10 Lloyd Road and 1 Lloyd Close. As such, no harmful overlooking or loss of privacy would occur.

- 8.16 As detailed above the Inspector at appeal considered that the previous scheme would not have a harmful impact upon neighbouring amenity.

8.17 Impact on trees

The proposal would involve the removal of several trees and shrubbery to the front of the proposed plot. The Local Planning Authority regrets the proposed loss of planting which contributes heavily to the character of the area. The Council's Arboriculturalist has also commented to this effect and the loss of trees was a reason for refusal in the previous application.

- 8.18 The proposed tree report is the same scheme submitted under the previous application. The Planning Inspector for the previous application did not support the Council's concerns in this regard, stating:

'It is proposed to remove a number of trees and planting along the boundary and within the rear garden of No 8. I note that the trees relate to the former use of the site. However, I note that the trees are not of the highest quality.'

'There would be a small area of hedgerow proposed at the front of the dwelling and some planting along the boundary towards No 8. Although it would be some time before this would mature it would make a small contribution to the verdant quality of the area. Were other matters acceptable, landscaping could be controlled by a suitably worded condition. The loss of trees and planting would not cause significant harm to the character and appearance of the area.'

- 8.19 In light of the above, the loss of trees and landscaping is not objected to and it is recommended that a landscaping and planting scheme to mitigate the loss of greenery be secured by planning condition.

8.20 Impact on the host property

The proposed subdivision of the plot to provide one new dwelling would reduce the garden space at the donor plot, 8 Lloyd Road. The proposal would involve removing the existing conservatory at no. 8 to allow for more garden space and as such it is considered that sufficient space would remain for the occupiers of the host property in accordance with Policy HO5 of the Brighton & Hove Local Plan.

8.21 Transport

The proposed scheme would allow for an off-street parking space in front of the new dwelling, and the off-street parking space for no. 8 Lloyd Road would be reinstated in front of the host property. The Transport Officer has confirmed that the proposed parking spaces are sufficient for the intended occupancy and that the development is acceptable in transport terms subject to a cycle parking condition.

- 8.22 It is noted that the property is not within a Controlled Parking Zone and it is not therefore necessary to make the development car-free.

8.23 Sustainability

City Plan Policy CP8 seeks sustainable design features in all new development particularly in respect of use of energy and water. It is recommended that these standards be secured by planning condition.

8.24 Environmental Health

The garage may have been used for motor vehicles and the land may therefore be subject to localised contamination. Furthermore the structure may contain asbestos. Conditions are recommended to address these two issues.

8.25 Other matters

Concerns have been raised in relation to land ownership. The agent for the application has confirmed in the submitted application form that the appellant is in full ownership of the plot. Notwithstanding this point land ownership is a civil matter between private parties and is not a consideration for the Local Planning Authority.

This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination “likely significant effects” on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

8.26 Conclusion

The concerns raised by the Inspector at appeal in regard to the dwelling design and standard of accommodation / garden area have been successfully addressed. The proposed dwelling would make a welcome contribution to the housing needs of the city. Approval is therefore recommended subject to the planning conditions set out above.

9. EQUALITIES

It is recommended that optional Building Regulations standards for accessibility be secured by condition.