

<u>No:</u>	BH2018/00854	<u>Ward:</u>	Preston Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land To Rear Of 62-64 Preston Road Brighton BN1 4QF		
<u>Proposal:</u>	Excavation and erection of three storey building comprising 3no. residential units (C3) with associated alterations.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	03.04.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	29.05.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Bold Architecture Design Ltd 14 Gladys Road Hove BN3 7GL		
Applicant:	Mr R Little Mulberry House 14 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 **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
Floor Plans Proposed	GA05		16 March 2018
Location Plan	GA01		16 March 2018
Floor Plans Proposed	GA06		16 March 2018
Roof Plan Proposed	GA07		16 March 2018
Elevations Proposed	GA08		16 March 2018
Elevations Proposed	GA09		16 March 2018
Elevations Proposed	GA10		16 March 2018

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 details 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) details of the proposed window, door and balcony treatments
 - d) 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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
4. The upper floor windows in the southern elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
 5. 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 and policy CP8 of the Brighton and Hove City Plan Part One.
 6. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.
 7. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
 8. 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 Brighton & Hove City Plan Part One.

9. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of 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.

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 scheme required to be submitted by Condition 7 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.
3. Accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
4. The water efficiency standard is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. This standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

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 three 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 three previously refused schemes.

3. RELEVANT HISTORY

BH2017/04186 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. Refused 13.03.2018 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.
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.

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

Twelve (12) representations have been received, supporting the proposed development for the following reasons:

- Effective use of the site
- Tidy up/enhance the area
- Additional housing
- In-keeping with the surrounding area
- Good design
- Removal of a storey improves the design
- Provide good standards of accommodation

Twelve (12) representations 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
- Unclear where existing refuse bins and those for the new flats would be located

5. CONSULTATIONS

5.1 Sustainable Transport: Comment

Comments are the same as from application BH2017/04186. 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 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.

8.3 History of the Site:

As detailed above, three similar schemes have recently been considered by the Planning Committee, in March 2018, November 2017 and April 2017. 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 difference between the most recently refused application BH2017/04186 and the current application involves the removal of the 'pod' roof level and reduction in the overall total of flats being created. The extension would now be finished with a parapet roof with a flat roof set behind.

8.5 Design and Appearance:

The proposal seeks permission for a three 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 The scheme has undergone a number of incremental revisions throughout the previous applications, which whilst they have been considered improvements to the overall design, have still failed to address the underlying concerns.

- 8.7 The current amendment, which involves the reduction in the height of the extension by the removal of the 'pod' level is considered to be a greater improvement to the overall scheme and removes some of the bulk and mass as well as the inappropriate roof form and improves the relationship of the extension with the main property.
- 8.8 Whilst the extension is still of a substantial scale, the Planning Committee has previously opined that the removal of the roof level would address their concerns. On balance, given the revisions and the advice provided by Members in the previous Committee meetings, the concerns are not so significant as to warrant refusal in this instance.
- 8.9 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 of the maisonette 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 is 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'.
- 8.10 The upper floor flats would be one bedroom units and would have a floor area of 54m². 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 obscurely 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.
- 8.11 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.
- 8.12 Impact on Amenity:**
The proposed extension would be sited 1.7m from the side boundary. The height of the extension has been reduced by approximately 2.1m due to the removal of the 'pod' level.
- 8.13 Previously concerns have been raised regarding the impact of the proposed extension on the neighbouring properties, particularly no. 60 to the south and the existing flats within 62-64 Preston Road.
- 8.14 The applicant has provided a statement to clarify the use of these properties and the existing window layout.

- 8.15 In relation to No. 60, the applicant confirms that the ground floor consists of two small studio flats, this information matches the Council's own records and the upper floors form a HMO. One of the ground floor flats has no outlook to the rear and therefore will be unaffected by the extension. The rear studio flat has openings on the north and east elevations of the property, the north facing openings are small and obscure glazed. The upper north facing openings on the outrigger which serve the HMO use are obscure glazed and serve a WC and shower room. Therefore whilst the height and scale of the extension may have an impact on these windows, if they are obscurely glazed and form openings to secondary rooms, any impact would not be significantly harmful to the existing living conditions of these units.
- 8.16 It is considered that on balance the reduction in height coupled with the orientation of the extension, would mitigate some of the harm previously identified to the rearward windows on the main property. Whilst there would still be an impact on the rear garden area which serves the rear ground floor flat, in previous meetings Committee Members have not expressed a concern that this impact would be significant and would warrant refusal if other matters were addressed. .
- 8.17 In relation to the existing flats within the main property at 62-64 Preston Road, the applicant has confirmed that the existing accommodation forms a 5 bed HMO. No. 62 has rearward facing windows directly alongside the proposed extension. The applicant states that given there is an existing two storey outrigger, the proposed extension is sited to the north and it has been reduced in height, the impact on these windows would not be significant. Again, Committee Members have not previously raised this impact as a concern and it is agreed that the removal of the top storey has improved this relationship.
- 8.18 The upper flats within No. 64 would lose their rearward windows due to the position of the extension. The relocation of these openings has not previously been objected to by the Planning Committee.
- 8.19 On balance, given the revisions and the advice provided by Members in the previous meetings, the concerns are not so significant as to warrant refusal in this instance.
- 8.20 Sustainable Transport:**
Cycle parking is shown on the proposed plans, however the Transport Officer has raised a concern that the racks would not be suitable. The development could comfortably accommodate the required number of cycle spaces and a condition could be attached requiring further details to be submitted for approval.
- 8.21 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. A condition could be attached to ensure that the development remains car free.

8.22 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.

8.23 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

None identified.