

<u>No:</u>	BH2018/00648	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	6 Cliff Approach Brighton BN2 5RB		
<u>Proposal:</u>	Demolition of existing single dwelling and erection of 2no. two bedroom flats & 2no. three bedroom flats.		
<u>Officer:</u>	Charlotte Bush, 292193	tel:	<u>Valid Date:</u> 27.03.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	22.05.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	29.09.2018
<u>Agent:</u>	Deacon And Richardson Architects 253 Ditchling Road Brighton BN1 6JD		
<u>Applicant:</u>	Mr Toby Richardson C/O Deacon And Richardson Architects Ltd 253 Ditchling Road Brighton BN1 6JD		

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	3579.PL.01	A	28 February 2018
Floor Plans Proposed	3579.PL.01	A	28 February 2018
Elevations Proposed	3579.PL.02 FRONT /REAR ELEVATION		28 February 2018
Elevations Proposed	3579.PL.03 SIDE ELEVATIONS		28 February 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 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 policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

- 4. The residential units hereby approved shall not be occupied until they have 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 SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

- 5. The residential units hereby approved shall not be occupied until they have 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 SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove City Plan Part One.

- 6. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed in the location illustrated on plan 3579.PL.01A received on the 28 Feb 2018, 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.

- 7. The new/extended crossover, accesses and parking areas shall be constructed prior to the first occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan and SA6, CP7, CP9, CP12 and CP13 of the Brighton & Hove City Plan Part One.

- 8. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One

- 9. 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.

10. The hard surface tot the car parking area and landscaped areas 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 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 applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
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 Council's Streetworks Team (permit.admin@brighton-hove.gov.uk or 01273290729) for further information at their earliest convenience to avoid any delay and prior to any works commencing on the adopted (public) highway.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site is located on the corner of Cliff Approach and Cliff Road. The site is occupied by a detached two-storey dwelling which is set back from its boundary with Cliff Approach.
- 2.2 The area is residential in character and has a mix of property types and styles. The buildings in the area are predominantly finished in either brick or render and have brown clay tiles although the houses opposite the site in Cliff Road have

slate tiles. A new development of houses has been completed on the corner of Cliff Approach and The Cliff which have red brick walls and zinc roofs.

- 2.3 The application proposes the demolition of the existing dwellinghouse and redevelopment of the site to provide a 4 storey flat roofed building which includes a new basement level. It will accommodate 4 self-contained units with 2No. three-bed duplex units each occupying half of the lower ground and ground floors and 2No. two-bed duplex units each occupying half of the first and second floors.
- 2.4 It is proposed to provide 4 No. on-site car parking spaces at the rear of the site (one of which will be allocated as a space for disabled drivers) together with cycle storage and a refuse and recycling area.
- 2.5 The proposed building itself will measure approximately 12m wide x 12.8m deep x 10.9m to its maximum height (from the excavated lower ground floor level). The previous scheme measured 11.7m to its maximum height (from the excavated lower ground floor level).
- 2.6 As the pavement slopes down from east to west, the building would measure approximately 10.1m from the pavement level at the most eastern corner and 10.9m at the western corner.
- 2.7 The top floor is to be set back from the front elevation by approximately 3m to allow for a front facing terrace area and is set in from each side elevation by 0.7m and from the rear by 0.5m.

3. RELEVANT HISTORY

- 3.1 BH2016/01675 - Demolition of existing single dwelling and erection of 2no two bedroom flats & 2no three bedroom flats. Refused
- 3.2 Reasons for refusal;
 1. The development represents an overdevelopment of the site which by virtue of its sunken lower ground floor and 4-storey bulk fails to respect the spacious character and appearance of the area and will not contribute positively to the local sense of place. Accordingly, the proposal is considered to be contrary to Policy CP14 of the Brighton & Hove City Plan.
 2. The lack of sufficient amenity space, particularly for the 2 bedroom units, is considered to be out of keeping with, and harmful to, the more spacious character of the area. In addition, the amount and type of amenity space that is provided is a further indication of the overdevelopment of the site. Accordingly, the proposal is considered to be contrary to Policies QD27 and H05 of the Brighton & Hove Local Plan.
- 3.3 BH2013/02398 - Demolition of existing residential dwelling and erection of 2no. two bedroom semi-detached residential dwellings. Approved 27/09/2013.

- 3.4 BH2011/02251 - Demolition of existing four bedroom house and erection of 6no self-contained apartments comprising of 2no three bedroom at 1st and 2nd floors and 4no two bedroom apartments at lower and upper ground floors with associated communal garden, car parking, refuse and cycle storage. Refused 07/12/2011. Appeal dismissed 21/08/2012.
- 3.5 BH2010/01893 - Demolition of existing 1No. 4 bedroom house and erection of 6 No. Self-Contained apartments comprising of 2 No. Duplex 3 bedroom at 1st and 2nd floors and 4 No. 2 bedroom apartments at lower and upper ground floors with associated communal garden, car parking, refuse and cycle storage. Refused 02/09/2010.
- 3.6 BH2008/03090 - Demolition of existing detached house. Erection of apartment building comprising 7 no. self-contained flats, with provision for communal garden, cycle parking and car parking facilities (Resubmission of BH2007/03867). Appeal dismissed 12/10/2009.
- 3.7 BH2007/03867 - Demolition of existing detached house. Construction of a four storey building comprising 7 residential apartments (1 one bedroom; 5 two bedroom; and 1 three bedroom units). Provision of 7 on-site parking spaces. Refused 13/03/2008.

4. REPRESENTATIONS

4.1 Thirteen (13) letters have been received from 10 different individuals, objecting to the proposed development for the following reasons:

- The corner plot is not large enough
- Parking is already bad and flats would mean more cars from prospective owners
- The road is an 'Approach" and cannot cope with the volume of housing.
- Removal of Garage at no. 6 extends into the neighbours garden. The party wall is 2ft from the neighbours' side door.
- Disruption, noise and stress of another development
- The flats would be out of character with the area. Houses are preferred to flats.
- There are protected Robins nesting in the ivy covering the garage
- There will be extra noise and activity from additional residents
- Loss of privacy and overlooking to adjoining properties
- The design is out of keeping with the character of the area
- It will over dominate the plot and the streetview
- Overshadowing of neighbouring properties
- Increased traffic
- Different building line to the rest of the street
- The existing property is big enough for a family of 6 so it doesn't need to be developed
- Limited amenity space for occupants

- 4.2 The Roedean Residents Association has also objected to the proposed scheme for the following reasons:
- Overcrowded parking
 - Numerous cars owned by non-residents park on the verges to commute into Brighton.
 - The proposal would add up to 10 new cars to the area with only off road parking for three cars (possibly 2 due to the layout).
 - The applicant should rework their application with more consideration for their neighbours and the wider community.

5. CONSULTATIONS

5.1 Brighton and Hove Archaeological Society: Comment

The above application lies within an area of intense archaeological sensitivity. Among the finds from Roedean are burials dating from the Neolithic and Early Bronze Age periods, and the location of a Roman coffin burial. In October 2003 the Brighton and Hove Archaeological Society excavated an Early Bronze Age burial, close by, on the East Brighton golf course.

- 5.2 Other recent discoveries include Roman coins and pottery found in the gardens of a house in Roedean Crescent, and a large underground chamber, hitherto unknown, possibly associated with Royal Navy activities during the Second World War.

- 5.3 The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations

5.4 County Archaeology: No objection

This application is situated within an Archaeological Notification Area. However, given the significant modern impacts on the site, based on the information supplied it is not believed that any significant below ground archaeological remains are likely to be affected by these proposals.

5.5 Sustainable Transport: No objection

Pedestrian access is proposed to be from the south, east and north east of the site. The Highway Authority has no objections to the proposed arrangement.

- 5.6 The proposed vehicle access is to be via the existing crossover to the north east but this will be widened to provide access for 4 off street parking spaces. No objections are raised in principle; however, the applicant should be aware that they will require a vehicle crossover licence which will need to comply with Brighton & Hove City Council's Driveways and Dropped Kerbs guidance.

- 5.7 A total of 4 car parking spaces have been outlined in the proposed development. Average car ownership for the ward is 1.2 per household, which would mean that for 4 units there is likely to be some additional car parking demand above the capacity provided (approximately 1 space). The parking layout is also constrained meaning the capacity may be less in practice; however, it is not expected that overspill parking will be significant or amount to

a severe impact on the highway. Therefore, in this instance, it is not considered that refusal would be warranted on these grounds under the National Planning Policy Framework.

- 5.8 Based on the plans, provisions have been made for 10 cycle parking spaces. This would comply with the minimum of 6 spaces required by SPD14; however, full details have not been provided. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient and, wherever possible, covered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22; however, individual cycle lockers (as appear to be shown) may be acceptable where cycle parking is not communal. It is recommended that this is secured by condition.
- 5.9 The applicant has interrogated the industry standard TRieS database to forecast the likely trips associated with the development at approximately 37 per day or approximately 30 more than the existing development. By using sites within the 'Houses Privately Owned' category as opposed to flats, it is expected that the trip rate is more likely to have been overestimated. It is not considered that the proposed development would amount to a significant impact upon the highway in this instance and therefore the Highway Authority has no objections.

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

CP12 Urban design
CP14 Housing density
CP19 Housing mix
CP20 Affordable housing

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

TR4 Travel plans
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
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD09 Architectural Features
SPD11 Nature Conservation & Development
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 The key considerations are the principle of the development, impact on street scene and wider area, amenity issues, transport issues and sustainability.

8.2 Principle of Development:

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.

8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 14).

- 8.4 The site is located within the built up area of the City on a site currently used for residential purposes and has previously been granted permission for redevelopment to form two new houses. The surrounding area is residential in character and therefore in principle there is no objection to a residential use being retained on site.
- 8.5 The previous appeal decision for six flats (BH2011/02251) noted that there was no objection in principle to the redevelopment of the site and that there was "an opportunity to provide a building that would make a more positive contribution to the character and quality of the area."
- 8.6 Neighbours have expressed concern that the scheme is for flats and that the area is characterised by houses. However, City Plan policy CP14 makes it clear that an increase in density can be acceptable in principle providing it is of a sufficiently high design and respects the character of the area.
- 8.7 **Design and Appearance:**
One of the key reasons for refusing the 2011 application for flats (BH2011/02251) was its impact upon the character and appearance of the area. It was also a key issue in the previous, 2009 appeal decision.
- 8.8 Both appeal Inspectors acknowledged that the existing building offered little architectural or townscape merit and the Inspector when determining the appeal for BH2011/02251 noted that redevelopment of the site offered an opportunity to provide a contemporary landmark building. However, she noted from the previous 2009 appeal decision, redevelopment of the site in this way did not necessarily require a large structure and subsequent schemes have consequently not tried to replicate the scale of that refusal.
- 8.9 The current scheme offers a contemporary approach with significant areas of glazing to the front (south) and rear (north) elevations. It is a relatively simple design and is less bulky than previously dismissed schemes.
- 8.10 The principle elevations are the front (south) and rear (north) elevations and contain the main areas of glazing. The building has been laid out internally so that the main living areas are to the front of the building and the bedrooms to the rear. The east elevation, which fronts on to Cliff Approach provides the main entrance for one of the 3-bed units and the first floor has a projecting window which serves a proposed bathroom. These openings are off-set from one another and the appearance of the elevation as a whole is a function of the internal layout rather than having been designed to address Cliff Approach.
- 8.11 The footprint, siting and style of the proposed building is very similar to that approved under planning permission BH2013/02398 for the development of a pair of semi-detached dwellings. Therefore, although there are some slight revisions to the design in order to accommodate the number of proposed units, it is considered that given the broad similarities between the current permission and the previous permission, these are not aspects on which a refusal can be based.

- 8.12 In terms of the overall height of the building it is noted that the 2011 proposal was a smaller scheme than its 2008 predecessor and whilst the Inspector noted that its height was above that of No.2 Cliff Road, it would be in line with the increase in roof heights stepping up Cliff Road. The current application is approximately 0.7m lower in its maximum height than this second (BH2011/02251) appeal proposal.
- 8.13 Accordingly, the size, footprint and height of the building is considered acceptable.
- 8.14 The key determining factor in the BH2011/02251 appeal was that the building conveyed the impression of a 4 storey building set at a lower level than the adjoining houses and by introducing a lightwell at the front of the building to serve the lower ground floor accommodation, introduced a somewhat alien feature into the street scene.
- 8.15 This current scheme has attempted to address these issues by reducing the level of excavation for the lower ground floor and amending the fenestration.
- 8.16 The proposed scheme would require a maximum of 1m of excavation from the pavement level. The level of excavation required would decrease in-line with the natural land level. This is approximately 0.65m less than the BH2011/02251 scheme.
- 8.17 The fenestration on the front elevation serving the bedrooms on the lower ground has been moved to the side elevations so that the building has the appearance of a three storey building when viewed from Cliff Road.
- 8.18 The proposed scheme is considered to have satisfactorily overcome the design concerns raised by the previous schemes.
- 8.19 **Standard of Accommodation:**
Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 8.20 The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². A two bedroom two storey dwelling for 3 occupants should have a minimum internal floor space of 70m², a three bedroom two storey dwelling for 6 occupants should have and internal floor space of 93m².

- 8.21 The three bedroom apartments provide two double bedrooms and one single bedroom, which all meet the minimum space requirements. The overall internal floor space measures 118.8m², thereby exceeding the minimum space standards.
- 8.22 The two bedroom apartments provide one double and one single bedroom which both meet the minimum space requirements. The overall internal floor space measures 86m² and thereby exceeds the minimum space standards.
- 8.23 Overall, the proposed scheme is considered to provide future occupants with a good standard of living accommodation in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.24 **Amenity Space:**
The 2008 application was in part rejected due to the level of communal amenity space proposed which was considered to be inappropriate given the size and nature of the development. The subsequent 2011 scheme was amended so that the two larger, 3-bed units would have private balconies and terraces and the four smaller 2-bed units would have front and rear terraces.
- 8.25 A communal garden to the rear was also to be provided. Whilst the second Inspector did not consider the level of amenity space to be so unacceptable in terms of its size to warrant dismissal of the appeal on its own, it did add to the concerns about the scale and character of the development.
- 8.26 Whilst the adequacy of amenity space was a reoccurring concern for the appeal Inspectors, the approval for two houses was considered to provide useable private amenity space that was not considered be out of character with the area. While the gardens would have been quite narrow, they were considered to provide a useable area for amenity purposes. The footprint of this currently proposed scheme remains the same as the permission for two houses, although the use of the garden space is more intense.
- 8.27 Both the previous Inspectors noted that the Council does not have specific space standards but accepted that the site is in a suburban location where space standards are characteristically more generous than other, more central locations. The second Inspector also noted that two bedroom units could be occupied by families and this was a factor in the refusal of the more recent 2016 scheme which provided only a roof terrace for the 2- bed units and as such, the scale and nature of development was not considered to provide a level of amenity space commensurate with the nature of the development proposed.
- 8.28 The Brighton & Hove City Plan policy CP14 encourages a greater use of land to increase density levels but Local Plan policy H05 remains in force and was directly referenced in the previous appeal. However, Policy CP14 is clear that whilst development will be permitted at higher densities than those typically found in the locality it must be able to demonstrate that it would respect, reinforce or repair the character of the neighbourhood and contribute positively to its sense of place.

- 8.29 The level of amenity space for each unit has been addressed in this amended scheme. Unit A (3 bedroom unit) will have a private garden to the rear. Unit B (3 bedroom unit) will have a private garden area to the side and rear. The two bedroom units will each have a private roof terrace and a small courtyard/terrace at the front of the building at lower ground floor level. The windows at the lower ground floor level have been moved to the side elevations to ensure that there is no loss of privacy and minimise noise disturbance.
- 8.30 The private amenity space for each dwelling is considered limited, but also private and usable. As such, the benefits of providing four dwellings are considered to outweigh the harm of the smaller amenity space.
- 8.31 **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.
- 8.32 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.
- 8.33 The 2008 proposal was rejected in part due to its impact upon the amenity of neighbouring properties. In particular, that Inspector noted that the perception of overlooking from the proposed side windows and higher level windows at the rear would harm the living conditions of the occupiers of No.2 Cliff Road.
- 8.34 The 2011 submission omitted the side windows and was laid out internally so that each of the four bedrooms on the rear elevation at first floor level had a single floor-to-ceiling height window. The issue of loss of amenity was not raised at the subsequent appeal.
- 8.35 The current scheme has the same depth as the permission for two houses on the site. The fenestration pattern proposed on the rear elevation is not dissimilar to that of the permission for the two houses. However, approximately two-thirds of the first floor will be served by floor-to-ceiling windows serving bedrooms.
- 8.36 The second floor windows although much the same size as previously approved, now serve kitchen areas rather than en-suite bathrooms.
- 8.37 Overall, it is considered that there may be a slight increase in the level and perception of overlooking compared with the previous permission.
- 8.38 It is noted that windows to the side elevation of No. 2 Cliff Road facing the development site are obscurely glazed and therefore the effect of the proposed development will be limited. The property to the rear of the application site, No.

4 Cliff Approach, has only one first floor window that would face the application site, and the windows to the ground floor are obscured by a high brick wall.

8.39 It is therefore considered that although there will be some increase in overlooking, it will not be to an extent that would warrant the refusal of this application.

8.40 **Sustainable Transport:**

Pedestrian access is proposed to be from the south, east and north east of the site. The Highway Authority has no objections to the proposed arrangement.

8.41 The proposed vehicle access is to be via the existing crossover to the north east which will need to be widened to provide access for 4 off street parking spaces.

8.42 A total of 4 car parking spaces have been outlined in the proposed development. Average car ownership for the ward is 1.2 per household, which would mean that for 4 units there is likely to be some additional car parking demand above the capacity provided (approximately 1 space). The parking layout is also constrained meaning the capacity may be less in practice; however, it is not expected that overspill parking will be significant or amount to a severe impact on the highway. Therefore, in this instance, it is not considered that refusal would be warranted on these grounds under the National Planning Policy Framework.

8.43 Based on the plans, provisions have been made for 10 cycle parking spaces which would exceed with the minimum of 6 spaces required by SPD14. However, full details have not been provided and this will be secured by condition.

8.44 It is not considered that the proposed development would amount to a significant impact upon the highway in this instance and therefore the Highway Authority has no objections.

8.45 **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 will be secured via a suitably worded condition.

9. EQUALITIES

9.1 None identified.

