

Planning Committee

Date: **9 June 2021**

Time: **2.00pm**

Venue **Hybrid: Virtual / Hove Town Hall**

Members: **Councillors:** Littman (Chair), Ebel (Deputy Chair), Childs (Opposition Spokesperson), Barnett, Fishleigh, Janio, Moonan, Shanks, C Theobald and Yates

Conservation Advisory Group Representative

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AGENDA

138 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

139 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 5 May 2021 (circulated separately).

140 CHAIR'S COMMUNICATIONS

141 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 4 June 2021

142 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites

143 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MAJOR APPLICATIONS

A BH2021/01031 - Land South of Ovingdean Road - Reserved Matters **1 - 16**

MINOR APPLICATIONS

B BH2020/02776 - The Pines, Furze Hill, Hove - Full Planning **17 - 30**

C BH2021/00921 - 72-74 Walsingham Road, Hove - Full Planning **31 - 42**

D BH2021/00769 - 52 Barcombe Road, Brighton - Full Planning **43 - 58**

E BH2021/00779 - 1 Falmer Gardens, Brighton - Full Planning **59 - 70**

F BH2021/00229 - Rockwater, Kingsway, Hove - Full Planning **71 - 82**

G BH2021/00998 - 16 Lloyd Road, Hove - Householder Planning Consent **83 - 96**

H BH2021/00897 - 6 St Aubyn's Gardens, Hove - Full Planning **97 - 108**

I BH2020/03287 - 18 Valley Drive, Brighton - Householder Planning Consent **109 - 120**

144 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

Please note that in recognition of the current Covid 19 pandemic and in response to Central Government Guidance alternative arrangements have been put into place to ensure that Committee Members are able to familiarise themselves with application sites in those instances where a site visit is requested.

INFORMATION ITEMS

145 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 121 - 124

(copy attached).

146 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

None for this agenda.

147 APPEAL DECISIONS 125 - 130

(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

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FURTHER INFORMATION

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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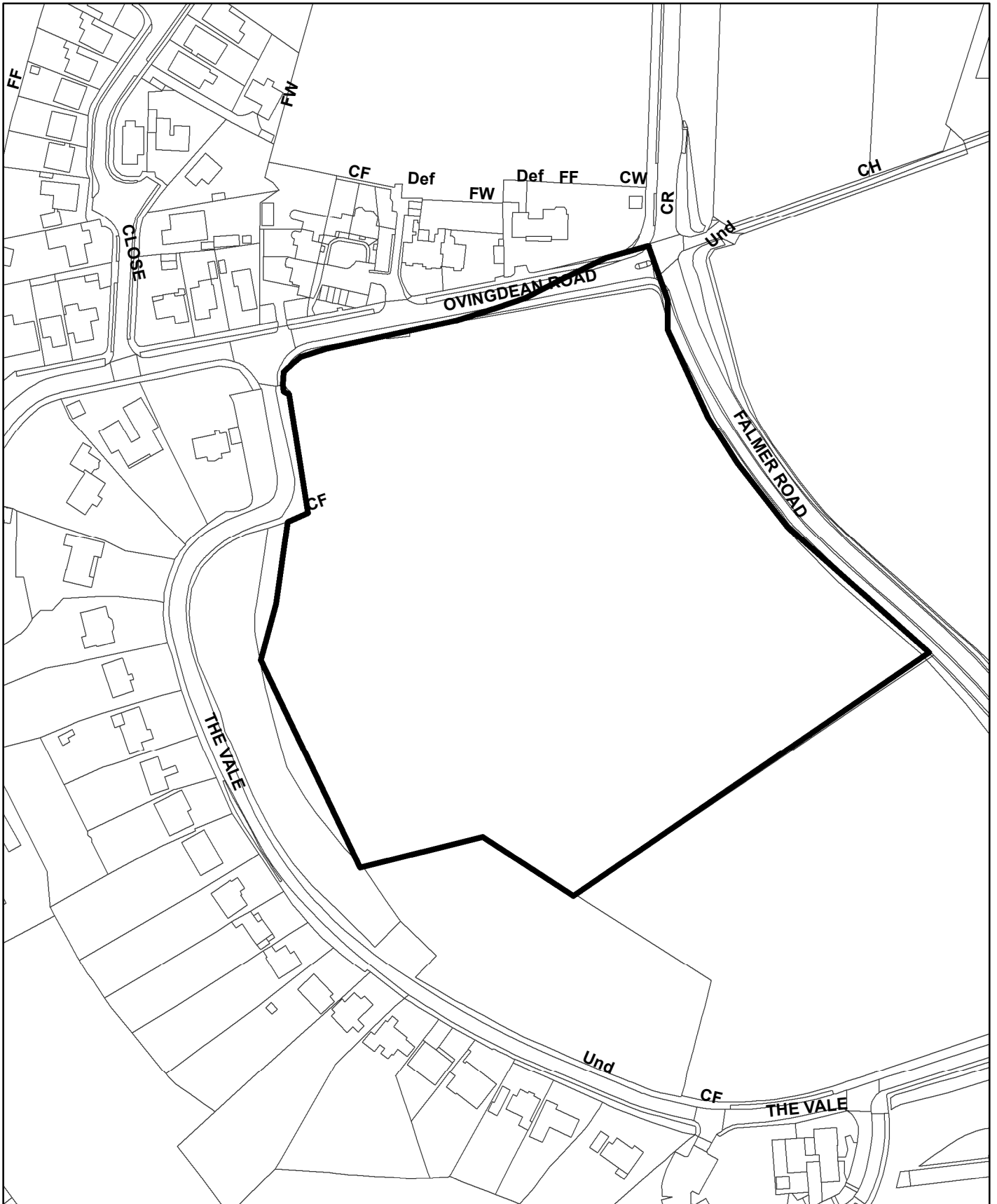
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ITEM A

**Land South of Ovingdean Road
BH2021/01031
Reserved Matters**

DATE OF COMMITTEE: 9th June 2021

BH2021 01031 - Land South Of Ovingdean Road



N



Scale: 1:2,000

<u>No:</u>	BH2021/01031	<u>Ward:</u>	Rottingdean Coastal Ward
<u>App Type:</u>	Reserved Matters		
<u>Address:</u>	Land South Of Ovingdean Road Brighton		
<u>Proposal:</u>	Reserve Matters application pursuant to outline approval BH2016/05530 amended by BH2020/02836 for approval of appearance relating to the construction of 45no dwellings.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	22.03.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.06.2021
<u>Listed Building Grade:</u>	<u>EOT:</u>		
Agent:	N/A		
Applicant:	Brookworth Homes Limited	Brookworth House	99 Bell Street
	Reigate RH2 7AN		

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
Proposed Drawing	FA 20 - 1779- 105		22 March 2021
Proposed Drawing	FA 20 - 1779- 106		22 March 2021
Proposed Drawing	FA 20 - 1779- 110		22 March 2021
Proposed Drawing	FA 20 - 1779- 111		22 March 2021
Proposed Drawing	FA 20 - 1779- 112		22 March 2021
Proposed Drawing	FA 20 - 1779- 113		22 March 2021
Proposed Drawing	FA 20 - 1779- 115		22 March 2021
Proposed Drawing	FA 20 - 1779- 116		22 March 2021
Proposed Drawing	FA 20 - 1779- 120		22 March 2021
Proposed Drawing	FA 20 - 1779- 121		22 March 2021
Proposed Drawing	FA 20 - 1779- 125		22 March 2021
Proposed Drawing	FA 20 - 1779- 126		22 March 2021
Proposed Drawing	FA 20 - 1779- 130		22 March 2021
Proposed Drawing	FA 20 - 1779- 131		22 March 2021
Proposed Drawing	FA 20 - 1779- 135		22 March 2021
Proposed Drawing	FA 20 - 1779- 136		22 March 2021
Proposed Drawing	FA 20 - 1779- 140		22 March 2021
Proposed Drawing	FA 20 - 1779- 141		22 March 2021
Proposed Drawing	FA 20 - 1779- 145		22 March 2021
Proposed Drawing	FA 20 - 1779- 146		22 March 2021

Proposed Drawing	FA 20 - 1779- 150		22 March 2021
Proposed Drawing	FA 20 - 1779- 151		22 March 2021
Proposed Drawing	FA 20 - 1779- 155		22 March 2021
Proposed Drawing	FA 20 - 1779- 156		22 March 2021
Proposed Drawing	FA 20 - 1779- 160		22 March 2021
Proposed Drawing	FA 20 - 1779- 161		22 March 2021
Proposed Drawing	FA 20 - 1779- 165		22 March 2021
Proposed Drawing	FA 20 - 1779- 166		22 March 2021
Proposed Drawing	FA 20 - 1779- 170		22 March 2021
Proposed Drawing	FA 20 - 1779- 171		22 March 2021
Proposed Drawing	FA 20 - 1779- 175		22 March 2021
Proposed Drawing	FA 20 - 1779- 176		22 March 2021
Proposed Drawing	FA 20 - 1779- 180		22 March 2021
Proposed Drawing	FA 20 - 1779- 181		22 March 2021
Proposed Drawing	FA 20 - 1779- 185		22 March 2021
Proposed Drawing	FA 20 - 1779- 186		22 March 2021
Proposed Drawing	FA 20 - 1779- 190		22 March 2021
Proposed Drawing	FA 20 - 1779- 191		22 March 2021
Proposed Drawing	FA 20 - 1779- 195		22 March 2021
Proposed Drawing	FA 20 - 1779- 196		22 March 2021
Proposed Drawing	FA 20 - 1779- 197		22 March 2021
Proposed Drawing	FA 20 - 1779- 198		22 March 2021
Proposed Drawing	FA 20 - 1779- 200		22 March 2021
Proposed Drawing	FA 20 - 1779- 201		22 March 2021
Proposed Drawing	FA 20 - 1779- 205		22 March 2021
Proposed Drawing	FA 20 - 1779- 206		22 March 2021
Proposed Drawing	FA20 - 1779 - 300		22 March 2021
Proposed Drawing	FA20 - 1779 - 320		22 March 2021
Proposed Drawing	FA20 - 1779 - 305		22 March 2021
Proposed Drawing	FA20 - 1779 - 310		22 March 2021
Proposed Drawing	FA20 - 1779 - 315		22 March 2021
Proposed Drawing	FA20 - 1779- 350		22 March 2021
Proposed Drawing	FA20 - 1779- 351		22 March 2021
Proposed Drawing	FA 20 - 1779- 100		22 March 2021
Location Plan	BRS.4783_04-1B		22 March 2021
Block Plan	FA20-1779-050	H	22 March 2021
Block Plan	FA20-1779-050	H	22 March 2021

2. No development above ground floor slab level of any part of the development hereby permitted shall take place until details relating to embodied carbon levels of materials and 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) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - b) details of all cladding to be used, including details of their treatment to protect against weathering
 - c) details 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 policies CP8 and CP12 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. SITE LOCATION

- 2.1. The application relates to a parcel of land located on the southern side of Ovingdean Road, to the west of Falmer Road (B2123) and to the east of The Vale. The application site comprises approximately 3.72 hectares. Historic maps show that the site has always comprised open agricultural downland.
- 2.2. The boundary of the site is currently defined by a wire fence and posts to the east, west and north and by a hedgerow to the south. The site comprises a large field which has been divided into smaller paddocks for the keeping and grazing of horses. Stables and associated buildings are located in the southwestern corner of the site.
- 2.3. Immediately to the north of the site are residential properties, with other horse paddocks/grazing land beyond, known as Ovingdean Road Horse Paddocks. The residential area of Woodingdean is located further to the north-west of the site, with agricultural fields located immediately to the east of the site, on the opposite side of Falmer Road. Residential properties are located to the west/southwest of the site on The Vale. Playing fields, associated with Longhill School/Deans Leisure Centre, are located directly to the south of the site, with the school/leisure centre building, additional school playing fields and Rottingdean village located further to the south.
- 2.4. The site generally falls across the site from east to west, from between approximately 60m (AOD) adjacent to the Falmer Road (B2123) to approximately 45m (AOD) along the western edge of the site, adjacent to The Vale. To the east of the site and Falmer Road the land rises to an area known as The Bostle. The land to the west of the site and The Vale rises to a ridge (known as Longhill).
- 2.5. Boundaries of the South Downs National Park (SDNP) are located to the east of the site, on the opposite side of Falmer Road, and to the north of the residential properties located on the northern side of Ovingdean Road.

- 2.6. A boundary of the Ovingdean Conservation Area is located to the west of the site, on the western side of Longhill Road whilst boundaries of the Rottingdean Conservation Area are located to the south of the site, either side of The Rotyngs.
- 2.7. The nearest Listed Buildings are located to the south of the site on Falmer Road (New Barn Farm) in Rottingdean and to the west on Ovingdean Road in Ovingdean (part of Ovingdean Hall School and The Nook, Flints and The Cottage). Buildings located directly opposite the site, to the north of Ovingdean Road, which once formed part of Woodingdean Farm but have since been converted to housing, are considered to be 'non-designated' heritage assets and as such are included on the Council's adopted local list of heritage assets.
- 2.8. The application site is not covered by any designations, statutory or non-statutory, for nature conservation interest. However, Sites of Nature Conservation Importance (SNCIs) are located to the west (Wanderdown Road Open Space), north-east (Cowley Drive Paddocks) and north (Ovingdean Road Horse Paddocks) of the site but these areas do not immediately adjoin the site. Beacon Hill, which is a Local Nature Reserve, is located to the south of the site between Ovingdean and the coast, whilst Castle Hill, which is a National Nature Reserve and a Site of Special Scientific Interest, is located to the north-east, beyond Woodingdean
- 2.9. The site currently comprises semi-improved neutral grassland, scrub and ruderal vegetation, hedgerow with scattered trees and buildings.
- 2.10. The site is shown as forming part of The Vale character area of Ovingdean, in the Council's Urban Characterisation Study. The Vale is stated to have "very low density housing in a curved street pattern on the ridge of the valley slope, mainly in the form of bungalows, but surrounded by mature planting which gives it a rural feel".

3. RELEVANT HISTORY

- 3.1. **BH2020/02836** - Variation of conditions 4 (drawings) and 20 (parking site plan) of application BH2016/05530 (Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements.) in order to revise site layout and landscaping. Approved 17/03/2021.
- 3.2. **PRE2020/00065** - Reserved matters application for appearance of 45 dwellings, pursuant to outline consent ref: BH2016/05530. Also to run concurrently with the above would be an application for non-material amendment to the layout and landscaping approved under the same outline reference.
- 3.3. **BH2016/05530** - Outline planning application with appearance reserved for the construction of 45 no one, two, three, four and five bedroom dwellings with

associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. New vehicular access from Ovingdean Road and junction improvements. Allowed at Appeal 26/06/2018.

- 3.4. **BH2014/02589** - Outline planning application with appearance reserved for the construction of 85 no. one, two, three and four bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements. Refused 29/01/2015. Dismissed at Appeal 29/03/2015.

4. APPLICATION DESCRIPTION

- 4.1. Outline permission (ref. BH2016/05530) was granted on the site at appeal in 2018 for the construction of 45 dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space, strategic landscaping and part retention/reconfiguration of existing paddocks. All matters were assessed other than appearance.
- 4.2. A subsequent S.73 application (ref. BH2020/02836) was approved to vary the layout of the site approved of application BH2016/05530 in order to amend the layout to accord with the topography of the land in addition to other associated amendments.
- 4.3. The approved scheme comprised the following accommodation split (including 40% affordable housing):
- 1 bedroom x 2 (both affordable)
 - 2 bedroom x 8 (all affordable)
 - 3 bedroom x 27 (including 8 affordable)
 - 4 bedroom x 5, and
 - 5 bedroom x 3
- 4.4. This current application is for the Reserved matters pursuant to Section 73 outline permission BH2020/02836 relating to 45 new residential units. The application seeks approval for the following remaining outstanding reserved matters:
- Appearance
- 4.5. Following consultation comments received from Urban Design, the applicant submitted additional information and justification for the proposed appearance.

5. REPRESENTATIONS

- 5.1. **One (1)** letter has been received objecting to the proposed development for the following reasons:
- Adverse impact on conservation area
 - Additional traffic

- Environmental impact

6. CONSULTATIONS

Internal:

6.1. **City Regeneration:** No objection

City Regeneration support this application from the perspective that it will provide 45 additional homes for the city and contribute to addressing the ongoing challenges the city faces in respect of its housing needs.

6.2. **Private Sector Housing:** Comment

Some of the houses the means of escape route from first floor bedrooms is via an open plan lounge or lounge/kitchen, these rooms are considered "high risk" in terms of fire and therefore the applicant may wish to consider rearranging the layouts.

6.3. **Heritage:** No Comment

6.4. **Planning Policy:** No Comment

6.5. **Sustainable Transport:** No objection / Objection / Comment

6.6. **Urban Design:** Initial comment - seek further information/amendments

The general design approach is derived from prevailing architectural and visual character and presents a keen attention to detail achieving a varied and high-interest appearance throughout the development. This general approach is supported.

6.7. However, proposals lack analysis of prevailing architectural and visual context to justify their proposed form and materiality, and this is considered essential to ensure proper integration into context.

6.8. In addition, there is concern with the proposed building form on plots 33-38, and that no information is presented regarding embodied or operational carbon performance of proposals.

Second Comment:

6.9. Following earlier urban design comment, the applicant has submitted additional contextual analysis which is useful, and presents a varied architectural context. This analysis justifies the proposed varied roof forms and porches. Regarding plots 33-38, the additional information shows how the site topography would limit a lower eaves line to these buildings, as well as highlights a number of 3 storey, shallow pitch, villa typology buildings in Ovingdean. This justifies proposed built form here and the specified materiality of painted brick rather than render is also supported.

6.10. It is understood that full material specifications and embodied carbon calculations are being sought by condition.

External:

- 6.11. **B&H Archaeological Society:** Comment
The Brighton and Hove Archaeological Society consider that the archaeological investigations conducted by Archaeology South East cover the archaeological condition. However, it is the decision of the County Archaeologist.
- 6.12. **County Landscape Architect:** No Comment
- 6.13. **Environment Agency:** No objection
- 6.14. **Natural England:** No objection
Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.
- 6.15. **Scotia Gas Networks:** Comment
Maps have been provided of gas pipes within the vicinity of the site.
- 6.16. **South Downs National Park Authority:** Comment
The design and appearance of the proposed dwellings appears to have been simplified in comparison to the indicative drawings included within the Design and Access Statement for the original outline application. We would therefore advice the City Council to ensure that they are satisfied that the design and appearance (including materials) of the proposed dwellings is appropriate for this sensitive rural edge location.
- 6.17. **Southern Water:** Comment
A letter has been provided for the applicant requesting details of anticipated occupation dates and build out rate for the site.
- 6.18. **Sussex Police:** Comment
Crime prevention methods and measures including passive surveillance and lighting are recommended.
- 6.19. **UK Power Networks:** Comment
Maps and records have been provided of electrical lines and points in the vicinity of the site.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. 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);
- Shoreham Harbour JAAP (adopted October 2019).

7.3. 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.

8. 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
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP15	Heritage
CP16	Open space
CP17	Sports provision
CP18	Healthy city
CP19	Housing mix
CP20	Affordable housing
SA4	Urban Fringe
SA5	The Setting of the National Park
SA6	Sustainable Neighbourhoods

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC4	Sites of Nature Conservation Importance

HE6	Development within or affecting the setting of conservation areas
HE10	Buildings of local interest
HE12	Scheduled ancient monuments and other important archaeological sites

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice & Mix
DM18	High Quality Design & Places
DM20	Protection of Amenity
H1	Housing Sites and Mixed-Use Sites
DM22	Landscape Design and Trees
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

9.1. Planning permission is sought for reserved matters of the approved outline scheme reference BH2020/02836 (original ref. BH2016/05530). Matters seeking approval are:

- Appearance;

9.2. The layout, scale, landscaping and access of the development have previously been granted permission under the original Outline application BH2016/05530 and amended by BH2020/02836. The main considerations in the determination of this application relate to the design and appearance of the proposed development.

Principle of Development:

9.3. The principle of development has already been established through approval of the Outline application BH2016/05530 and therefore does not form part of the consideration of this current application.

Design and Appearance:

9.4. The NPPF attaches great importance to the design of the built environment and identifies good design as a key aspect of sustainable development. This is reflected in policy CP12 of the City Plan Part One which seeks to raise the

standard of architecture and design in the city. CP12 requires new development in particular to establish a strong sense of place by respecting the diverse character and urban grain of the city's identifiable neighbourhoods.

- 9.5. New development should respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan. Successful higher density development will depend upon a 'design-led' approach that respects its local context and minimises impacts on its surroundings.
- 9.6. City Plan Part One policy SA5 states that development within the setting of the park must respect and not significantly harm the National Park and its setting.
- 9.7. The site is undeveloped land used for horse paddocks and the surrounding area is sparsely developed with low rise development following Falmer Road is a linear fashion. The prevailing character comprises detached properties set within generous plots interspersed between open field and small areas of woodland. The site slopes from east to west and is visible from a number of nearby vantage points with the adjacent South Downs National Park. On this basis, the dwellings must be designed sensitively in order to make best use of the site whilst paying respect to the rural setting and surrounding character.
- 9.8. As set out above, matters relating to scale, layout, access and landscaping have been approved and therefore this application relates only to the appearance of the dwellings.
- 9.9. The proposal includes 45 dwellings set along a spine road which meanders along the site, running from north to south. The proposals include a range of building typologies including; detached, semi-detached, terraced and villa type terraces with garages at lower ground level. Some properties include detached garages whilst some include adjoining or integral garages or allocated parking areas.
- 9.10. The proposed properties are generally of traditional design and proportions and each dwelling typology would benefit from their own individual character due the wide range of features and material finishes. The roof forms would range from hipped roofs with catslide sections to full gables with projecting bays whilst entrances would be defined by inset porches and projecting porches with canopies above. With regards to materials, the finish would range from a number of different facing bricks with feature flint, brick, hanging tiles and clad sections. Full details of materials will be secured by condition.
- 9.11. Initial concerns were raised due to the lack of contextual analysis of the prevailing character in order to inform and justify the proposed material, elevational composition and features. Furthermore, concerns were raised regarding the lack of justification of the proposed villa-like architectural form to two of the central terraces forming plots 33-38. In response, the applicant submitted a character assessment which provides an analysis of the range of local massing, heights, porches, roof pitches in addition to a justification for the

design response. The document illustrates that there is a range of vernacular within the local area and presents clear justification for the typology, finish and features proposed. The document also provides a further narrative for the proposed villa style terraces and explains that the properties are split level in order to make best use of the substantial level changes across the site. Furthermore, a number of examples of historical three storey properties within the Ovingdean Conservation area. On this basis, it is considered that sufficient justification has been provided for the overall design and the villa-style terraces.

- 9.12. The general design approach is considered to positively address the above policy CP12 as well as emerging CPP2 Policy DM18. The wide-ranging composition of building and roof forms, materials and details, achieving a high level of visual interest throughout the development as well as on individual buildings. The proposed 3D visualisations are indicative of a high-quality attention to detailing and robust, low maintenance materials.

Other matters:

- 9.13. Comments from Urban Design have requested details relating to the embodied carbon calculations for the proposed materials in order to address City Plan policy CP8. The applicant has been unable to provide the requested material within the timeframe of the assessment application and therefore details of the embodied carbon shall be secured via condition.

Conclusion:

- 9.14. As set out above, the design, appearance and material finish of the proposed dwellings is considered appropriate for the site and would accord with the prevailing character of the area, whilst respecting the local context and setting of the adjacent South Downs National Park, in accordance with City Plan Part One policies CP12 and SA4 and emerging policy DM18.

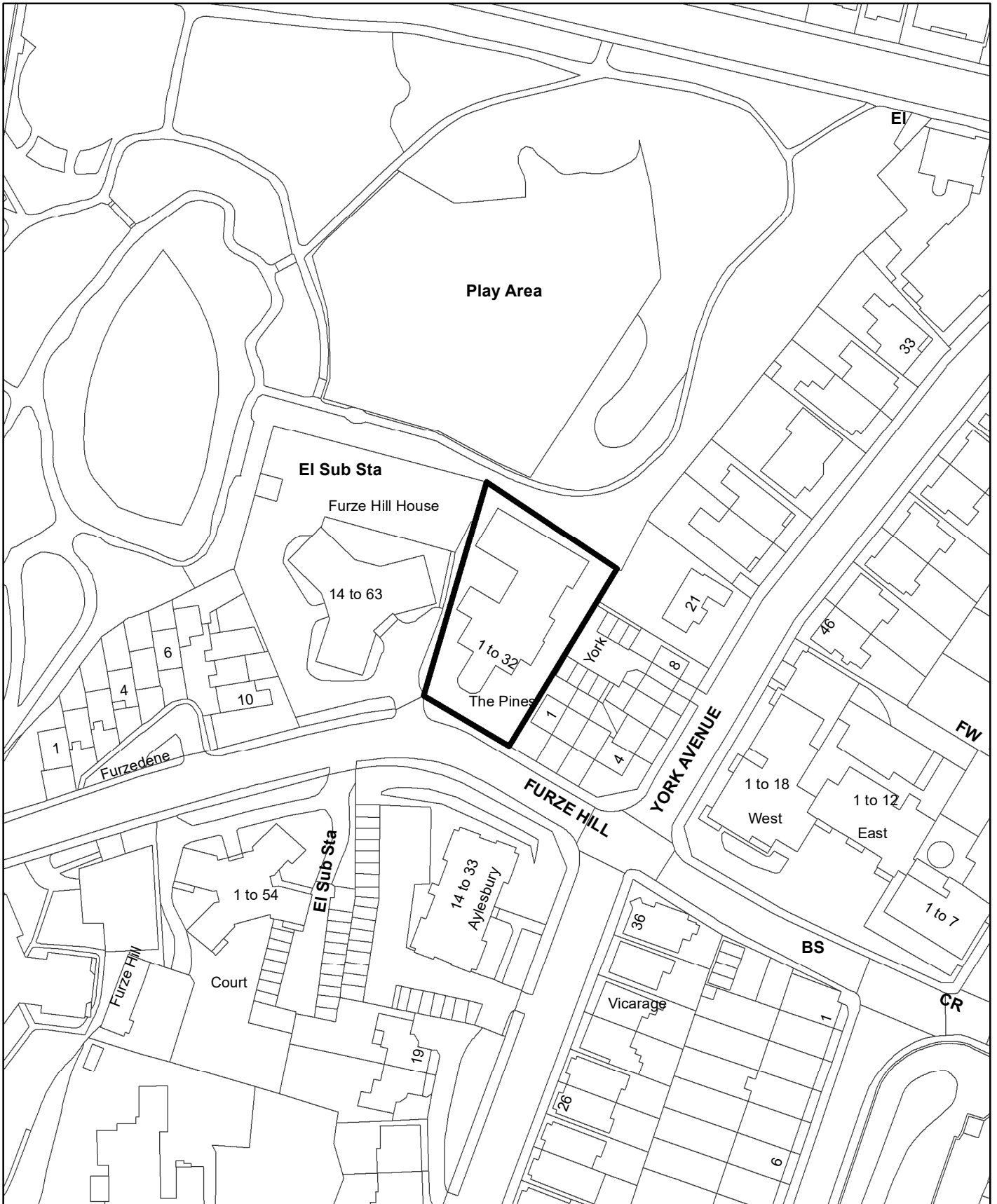
- 10. EQUALITIES**
None identified

ITEM B

**The Pines, Furze Hill
BH2020/02776
Full Planning**

DATE OF COMMITTEE: 9th June 2021

BH2020 02776 - The Pines, Furze Hill



N



Scale: 1:1,250

<u>No:</u>	BH2020/02776	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Pines Furze Hill Hove BN3 1PA		
<u>Proposal:</u>	Alterations to create 7no additional bedrooms (C2) to include erection of single storey front extension with terrace to replace existing conservatory, two storey extension to the East elevation, two storey extension to the West elevation with associated landscaping and works.		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	27.10.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	22.12.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Osmond Tricks Ltd 8-10 Whiteladies Road Bristol BS8 1PD		
<u>Applicant:</u>	Country Court Care Millennium House Dukesmead Werrington Peterborough PE4 6ZN		

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	001		30 September 2020
Block Plan	015		15 October 2020
Proposed Drawing	020		30 September 2020
Proposed Drawing	021	A	30 September 2020
Proposed Drawing	022		30 September 2020
Proposed Drawing	023	A	30 September 2020

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) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) details of the proposed window, door and balcony treatments
- c) 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 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.

5. The development hereby permitted shall not be first occupied until revised details of the car parking layout including the positioning of the disabled parking space and the size of the delivery bay, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme 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 adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.

6. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. details of all hard and soft surfacing to include type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

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.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD15 of the Brighton &

Hove Local Plan and CP12 and CP13 of the Brighton & Hove City Plan Part One.

7. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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

- 2.1. The application relates to part 2 storey part 3 storey building located on Furze Hill. The building comprises an original Edwardian style detached dwelling which has been substantially modified and extended. The site is in use as a care home (C2) with 35 bedrooms.

3. RELEVANT HISTORY

- 3.1. **PRE2020/00007** Alterations to create 7no additional bedrooms (C2) to include erection of single storey front extension with terrace to replace existing conservatory, two storey extension to the East elevation, two storey extension to the West elevation with associated landscaping and works.
- 3.2. In summary this advised that the existing care home facility is in need of modification and improvement and the proposals present great opportunity in this regard. However, this opportunity could be considered more creatively in some respects to optimise potential improvements to internal and external amenity of residents, outlook, biodiversity and general appearance.

4. APPLICATION DESCRIPTION

- 4.1. The proposals include the removal of the existing conservatory and replacement with a flat roof front extension to provide further communal accommodation, a two storey extension to the east and a first floor extension to the west to increase the bedroom capacity. The proposal would increase the number of bedrooms by 7 to 42, all with en-suite facilities. In total an additional 120sqm of floorspace is proposed compared to the existing.

5. REPRESENTATIONS

Neighbours:

- 5.1. **Five (5)** letters has been received objecting to the proposed development for the following reasons:
- Adverse impact to the retaining wall and existing garage between the Pines Care Home and properties on York Place.
 - Increase in noise and disturbance from building works and additional comings and goings/deliveries
 - Increase in parking and traffic
 - overdevelopment
- 5.2. **Two (2)** letters have been received stating they neither support or object however raise similar concerns regarding the structural stability of the retaining wall and adjoining garage.

6. CONSULTATIONS

External:

- 6.1. **Brighton and Hove Archaeological Society:** Comment.
The proposed development is close to the location of a finds spot of Roman coins. It is possible that vestiges of an ancient landscape may remain. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.
- 6.2. **County Archaeologist:** Comment
On the available evidence, the East Sussex County Council Archaeology Team do not consider that in this instance, the information held by the ESHER would contribute to determining the significance of the heritage asset. Furthermore, we do not require the Local Planning Authority to consult directly with East Sussex County Archaeology Team when determining this application as, based on the available evidence, we do not believe that any significant archaeological remains are likely to be affected by these proposals.
- 6.3. **Southern Water:** Comment
Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. In situations where surface water is being considered for discharge to our network, we require the hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations.
- 6.4. We would like to engage with you on the design for disposal of surface water for this development at the earliest opportunity and we recommend that civil engineers and landscape architects work together and with Southern Water. In many cases this may negate or reduce the need for network reinforcement and allow earlier completion of the development.
- 6.5. Where a surface water connection to the foul or combined sewer is being considered, this should be agreed by the Lead Local Flood Authority, in consultation with Southern Water.

- 6.6. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Internal:

- 6.7. **Sustainable Transport** : No objection

The car and cycle parking could be accepted subject to a redesign of the disabled car parking space, with the disabled car parking space moved a few metres towards the front of the site, a vehicle swept path analysis drawing to demonstrate that a vehicle using this space can enter and leave the site in a forward gear and cycle parking installed in its place.

- 6.8. Also, the delivery vehicle parking could be accepted subject to a redesign of the delivery vehicle parking space, with the space being made long enough to cater for the operational length of the vehicles that are going to use it. The proposal can be supported subject to these amendments, and the recommended conditions and informatives.

- 6.9. Suggested conditions include securing details of the hard surfaces and cycle parking.

- 6.10. **Urban Design Officer** : No objection

The existing care home facility needs modification and improvement and the proposals present great opportunity in this regard.

- 6.11. The applicant has engaged with pre-application urban design advice and proposals have responded positively to recommendations regarding internal and external amenity, outlook, biodiversity and appearance.

- 6.12. Further recommendations for improvement are provided aligning with LHA comment and regarding proposed massing.

- 6.13. Additionally, further information could be provided on proposed planting, sustainable drainage, materials and carbon performance. Such information may be secured by condition.

7. MATERIAL CONSIDERATIONS

- 7.1. 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

- 7.2. 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);
- Shoreham Harbour JAAP (adopted October 2019).

7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP18	Healthy City

Brighton and 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
QD27	Protection of amenity
HO11	Residential Care and Nursing Homes

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM20	Protection of Amenity
DM21	Extensions and alterations

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the application are the principle of the development, the design and appearance of the proposal on the existing site and the surrounding area, the impact of the extension upon neighbouring amenity, the standard of accommodation proposed for the existing care home, and transport issues.

The proposal and principle of development:

- 9.2. The application relates to a purpose built 3 storey structure constructed in the early 1990's which is linked to an original 2 storey Edwardian House which fronts Furze Hill. The site is not located within a conservation area and is not listed or locally listed.
- 9.3. The property is currently in use as The Pines Care Home (use class C2). The building as existing provides 35 bedrooms. The proposals include the removal of the existing conservatory and replacement with a flat roof front extension which provides increased communal space together with access to an external terrace. A two storey extension would be erected to the eastern elevation and an extension over the existing kitchen would be erected to the western elevation. The extensions would facilitate an extra 7 bedrooms with en-suite facilities as well as increased communal space and would improve the current facilities at the site.
- 9.4. Planning policy seeks to encourage improved health and care facilities within the city in principle. The proposals would improve the quality of accommodation within an existing care home site and are thus welcomed in principle.

Design and Appearance:

- 9.5. Policies QD14 and CP12 seek to ensure proposal are of appropriate design and respect the character and appearance of the existing building and that of the wider area.
- 9.6. The proposals have been amended and improved since the pre-applications proposals and have taken into account design advice provided by the Urban Design Officer.
- 9.7. The existing building is already somewhat out of a scale, and appears rather dominant and bulky, especially towards the rear of the site and it has a varied mix roof forms.
- 9.8. The proposed two storey extension to the north east is considered to be of an appropriate scale and position and would incorporate a hipped roof to match the larger adjacent roof form.
- 9.9. The proposed two storey extension to the west has been amended since pre-application, and now includes a flat roof form in place of a hipped roof. This has sufficiently reduced the overall massing and is more sympathetic to the existing

gable roof form. The Urban Design Officer has raised concerns that the height of the two storey element does not relate well with the northern eaves of the existing gable roof. It is evident that care has been taken to align ceiling/window heights with the existing southern elevation, and therefore this has had an impact on the roof height. It is considered that given the set back of the two storey element, the relationship between the new and existing roofs would not be highly evident from the streetscene and therefore whilst it is not ideal, this element is not objected to on that basis.

- 9.10. The massing and built form of the proposed single storey extension to the south of the property has also been amended since pre-application stage in response to the Urban Design comment. Massing has been pulled westwards to reveal the existing ground floor bay window on the eastern corner of the original frontage. The roof form has been amended to a flat roof, which forms a more sympathetic relationship with the original features of the building including the corncicing at first floor level.
- 9.11. The single storey extension now wraps around the western corner of the existing frontage to meet the two storey extension. The two elements relate well to each other and provide on cohesive form. Though wraparound extensions are often considered to dominate the host building, the low roof profile of the proposals and the reparation of the existing frontage successfully mitigates such concern.
- 9.12. The Urban Design Officer has requested that further information on planting, sustainable drainage and carbon performance is provided. Further details on the landscaping scheme will be requested by condition. Given the overall scale of the development it is not considered reasonable to seek further information regarding sustainable drainage or carbon performance.

Impact on Amenity:

- 9.13. A number of representations have raised issues regarding the impact of the development on the retaining wall between the application and York Place, to the east of the site. It has been suggested that conditions be applied to any permission granted to ensure that the structural stability of the wall is monitored or repaired during construction works. As there are no planning restrictions on the wall, protection of the wall does not fall within the remit of this application and is not a material planning consideration. It is therefore a private matter between the applicant/owner of the wall and the neighbouring properties and it would not be reasonable to impose a planning condition in this regard.
- 9.14. In relation to the extension at the front of building, this would be sited closest to the western boundary shared with Furze Hill House, a block of residential flats. The two storey element would be sited approximately 1.6m from the shared boundary. This separation is considered sufficient to not result in any overshadowing, loss or light or result in an overbearing impact, given the width and depth of this part of the extension. Two small windows are proposed within the side window. The first floor window would serve a bedroom. There are a number of bedroom windows along the western elevation at first and second floor levels. Whilst the proposed extension would be closer to the neighbouring block of flats, it is likely that the view available from the new window would be

very similar to the existing windows on this side of the building. The nearest elevation on the neighbouring block is orientated away from the site address, and therefore no direct overlooking would occur and there would be no increased impact or further loss of privacy. The single storey element is unlikely to have a significant impact due to its limited height and scale.

- 9.15. The two storey extension to the north eastern corner would be sited approximately 2.3m from the side boundary and 1.6m from the rear boundary. The extension would be approximately 17m from the nearest residential property, 21 York Avenue. It is therefore considered that this element of the proposal would not result in any significant harm to neighbouring amenity.
- 9.16. The proposals represent a modest enlargement of the building, and 7 additional bedrooms and additional communal space on the ground floor is unlikely to result in a significant increase in noise and disturbance.

Sustainable Transport:

- 9.17. The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway (in principle dividing the two existing accesses into separate delivery/service person and visitor pedestrian accesses) and for this development this is deemed acceptable.
- 9.18. The applicant has offered to install cycle parking in compliance with SPD14 Parking Standards near the main entrance in their supporting evidence. Therefore, notwithstanding the proposal hereby permitted cycle parking details would be secured by condition.
- 9.19. The site is providing 5 car parking spaces in line with the maximum standards as set out in SPD14 Parking Standards. It would also provide one disabled parking space. There are opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore, in this instance the lack of onsite disabled parking is not considered a concern.
- 9.20. The car parking areas shown on the plans are already in use for vehicular parking. The Transport Officer has raised some concern about the location of the disabled space and recommends that it be relocated closer to the front of the site. It is considered that there is scope for the car park to be reconfigured to ensure that all spaces can safely and easily be entered and exited.
- 9.21. The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and given the scale of the overall development, the additional number of residents at the site is unlikely to result in any significant increase to the existing deliveries to the site. The Transport Officer has raised concern that the delivery bay may not be long enough to cater for all vehicle types. Again, there is scope for the overall arrangement of the car park to be reconfigured to address this concern. A condition will be attached for amended details to be submitted.

- 9.22. 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.

Biodiversity:

- 9.23. To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development, a condition will ensure at least one bee brick is incorporated within the external wall of the development.

10. EQUALITIES

- 10.1. Details of disabled parking to be secured by condition.

ITEM C

**72-74 Walsingham Road
BH2021/00921
Full Planning**

DATE OF COMMITTEE: 9th June 2021

<u>No:</u>	BH2021/00921	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	72 - 74 Walsingham Road Hove BN3 4FF		
<u>Proposal:</u>	Change of use of garden from nursing home (C2) to form part of residential dwelling (C3). Erection of a single storey ground floor side extension, revised fenestration, extension to rear pitched roof and associated works.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	15.03.2021
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	10.05.2021
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	11.06.2021
<u>Agent:</u>	CMK Planning 11 Jew Street Hove BN1 1UT		
<u>Applicant:</u>	Mr and Mrs G Rose C/o CMK Planning 11 Jew Street Brighton BN1 1UT		

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	SK1	E	19 May 2021

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. Notwithstanding the requirements of condition 7, the relevant external finishes of the development hereby permitted shall be as follows:

- External walls in painted render to match the appearance of that found on the existing building.
- Except where otherwise cleared stated on the approved drawings, window frames made from timber and painted white.
- Roof tiles to match those found on the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

4. The window in the south elevation of the development at first floor level hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, 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 rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.
7. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

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 the application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application site is a pair of two-storey semi-detached properties on the west side of Walsingham Road within the Sackville Gardens conservation area. Its current lawful use is a (C2) care home. The original building has been enlarged with several unsympathetic additions including a two-storey rear extension, a single-storey conservatory, and a rear double-bay window.
- 2.2. There is an extant permission for a change of use class from (C2) care home to a (C3) dwellinghouse that included removal of some of the abovementioned additions, and reinstatement of some historical features. Erroneously, the rear half of the plot (which is garden space) was not included in the permission and technically does not benefit from the permission to change use class.

3. STATEMENT OF SIGNIFICANCE

- 3.1. These properties are unlisted but characterful historic properties within the Sackville Gardens Conservation Area. This conservation area is principally formed from three parallel streets and was developed over a 30 year period up to the First World War, as a result the styles and materials of the various buildings vary immensely, but this contributes to the area's special architectural character by creating an interesting mix of house types along the three residential streets united by their very wide roads and their views down to the sea.
- 3.2. Walsingham Road contains a good collection of 2 and 3-storey houses built generally in groups of either redbrick, stucco or gault brick facades. Formerly separate flats, latterly combined, Nos.72 & 74 retain the appearance of two separate buildings from the street and thereby maintain the general rhythm of the frontages in this part of the road. Despite differences in details such as the porch roofs and tile hanging at first floor level on the front bays, these properties retain a strong coherence with nos.76 & 78 (attached as a banded pair to the north) with which they form an attractive group.
- 3.3. The properties are red brick with full height square bays They have been re-roofed in highly profiled concrete tiles however they retain their plain tiled porch roofs and historic front doors and sliding sash windows and make a positive contribution to the character of the conservation area. The rear wing does not reflect the traditional architectural detailing of the road, however the part of the south elevation that is closest to and most visible from the public realm (the stair access to the first floor) is intact and disfigured only by pipework.

4. RELEVANT HISTORY

- 4.1. **BH2020/01404** Change of Use of Nursing Home (C2) to a single dwelling house (C3) including removal of conservatory, store, rear two-storey bay window and fire escape stair; installation of replacement windows; and erection of bicycle/refuse store in rear garden, with associated alterations. Approved 20 July 2020.

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought to regularise the above error and formally change the use class of the garden to C3 to match the rest of the plot. Other aspects of the development include a single-storey side extension and minor alterations to the fenestration.

6. CONSULTATIONS

- 6.1. Environmental Health:
No Objection
- 6.2. Heritage
The Heritage team has no objection to the change of use of the land associated with this property.
- 6.3. Alterations to the rear part of the property beyond the first floor stair access and small section of taller gable end wall will not be clearly visible from the public realm, and the heritage team does not wish to comment on these.
- 6.4. Objections were raised with regards to several aspects of the development at the front and side of the property; these have all been removed from the scheme in amended plans.

7. REPRESENTATIONS

- 7.1. **Five (5)** representations have been received, objecting to the proposal on the following grounds:
- The proposed side extension is not in keeping with the character of the conservation area.
 - The proposed side extension would be overbearing
 - The proposed side and roof extensions would cause loss of light/overshadowing to neighbouring gardens
 - The proposed ground floor side fenestration would cause a loss of privacy
 - The proposed changes to the internal layout would cause noise disturbance
 - Potential damage to the existing boundary wall

8. MATERIAL CONSIDERATIONS

- 8.1. 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.
- 8.2. 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);
- Shoreham Harbour JAAP (adopted October 2019);

8.3. 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.

9. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

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

TR7	Safe development
QD14	Extensions and alterations
QD27	Protection of amenity
HO11	Residential care and nursing homes
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission City Plan Part Two do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM18	High quality design and places
DM19	Maximising Development Potential
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas

Supplementary Planning Documents

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

10. CONSIDERATIONS & ASSESSMENT

- 10.1. The main considerations in the determination of this application relate to the principle of the change of use; the design and appearance of the external alterations; and the potential impacts on the amenities of local residents; and on the significance of the Sackville Gardens conservation area.

Principle of Development

- 10.2. As abovementioned, the change of use of the building itself has been justified in a previous application and benefits from extant permission; the rear garden was erroneously not included in the previous application. The change to a residential garden itself will have no discernible impacts on the local environment in comparison to the existing condition and is considered acceptable.

Design and Appearance

- 10.3. The proposed side extension would adjoin the existing two-storey rear extension and create a dog-legged plan form. This is a somewhat awkward arrangement that would cause some harm to the appearance of the building but, given that the works would not be highly visible from the public realm, the changes are considered acceptable and would preserve the special character and appearance of the conservation area. It has an eaves height of approximately 2.5m and runs along the side boundary for a stretch of approximately 4.7m. It would be finished in painted render to match the rest of the rear of the building.
- 10.4. Amendments to the fenestration include removal of a harmful rear double-bay window and reinstatement of fenestration flush with the façade. The first floor window would be the reinstatement of a traditional sliding sash window, as per the extant permission; as one of the more visible elements of the scheme, this is supported. Ground floor fenestration on the rear and north elevations are less traditional in appearance however they would be screened from long views and the visual impact is much reduced as a result. Other changes to the fenestration on the south elevation are all considered to be acceptable. The proposed rooflights are the same as approved under the extant permission and as such are acceptable.
- 10.5. The proposed roof extension would result in a pitched roof-form being installed atop the existing two-storey extension. The existing extension is not a well-design addition, but the proposal would slightly improve its appearance and make it better resemble the architectural style of the original building and is acceptable.

Impact on Heritage Assets

- 10.6. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 10.7. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".

10.8. The initial scheme included works that would be visible from the public highway and, following objection from the Heritage Officer, the scheme has been amended to remove these elements. It is not considered that the current proposal would cause any harm to the appearance of the conservation area, and therefore its historic significance would be preserved.

Impact on Amenity

10.9. Concerns have been raised from local residents regarding the impact the works could have on the usability of adjacent gardens, citing potential issues including loss of light/overshadowing, loss of privacy, noise nuisance, and being overbearing.

10.10. As abovementioned, the side extension had a maximum height of approximately 2.5m and runs along the shared boundary for a length of approximately 4.7m. It would be highly visible from the rear gardens, but this does not always equate to causing harm. The adjacent property is in use as several self-contained flats, of which three have access to a portion of the garden area.

10.11. All of these gardens already suffer from some loss of light due to being directly north of the substantial two-storey original outrigger at the application site. It is not considered that the proposed side extension would exacerbate this issue to any great degree, despite it abutting the shared boundary.

10.12. The height of the extension, whilst significantly taller than the existing boundary wall, is not so tall that it considered likely that it would have an overbearing impact on neighbouring residents when they are in their gardens.

10.13. A condition will be attached restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space would cause a harmful sense of overlooking for neighbours in the adjoining property.

10.14. The proposed side-facing sliding doors would not provide any additional views that are not possible from the existing garden, and it is not considered that they would cause any harmful loss of privacy.

10.15. The proposed south-side facing window at first floor level will be conditioned to be fit with obscure glazing and fixed shut to an internal height of 1.7m in order to prevent harmful overlooking into the neighbouring garden to the south.

10.16. Concerns have been raised that the internal alterations would lead to noisier day-to-day use of the building. However, the existing use was a care home and therefore the proposed use is unlikely to result in additional noise compared to the existing use.

Other Considerations

10.17. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A suitably-worded condition

will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.

Conclusion

- 10.18. The change of use to a residential dwelling and garden is considered acceptable. The external works are considered acceptable in respect of design and appearance and the impact upon the conservation area and would not result in harm to the amenity of neighbouring residents. Planning conditions will be attached to any permission to secure external materials and protect neighbouring privacy, as well as to secure biodiversity improvements to the site. For these reasons the proposal is considered to be in accordance with policies QD14, QD27, HO11 and HE6 of the Brighton and Hove Local Plan; and CP10, CP12 and CP15 of the City Plan Part One.
- 10.19. It is also considered that the proposal would also be in accordance with policies DM20, DM21 and DM26 of the Proposed Submission City Plan Part Two which is gathering weight. These three policies are considered to have significant weight at this stage.

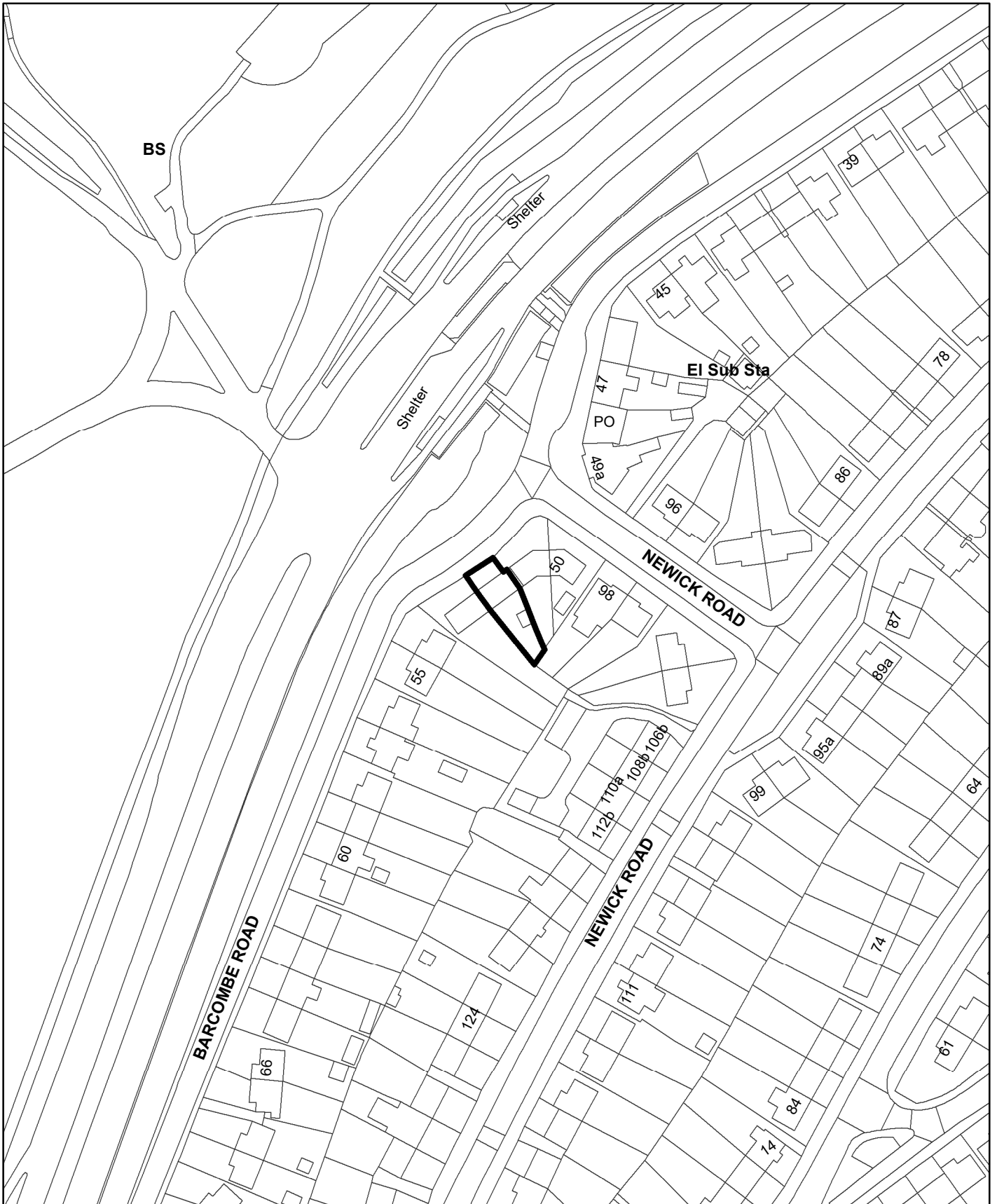
11. **EQUALITIES**
None identified

ITEM D

**52 Barcombe Road
BH2021/00769
Full Planning**

DATE OF COMMITTEE: 9th June 2021

BH2021 00769 - 52 Barcombe Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/00769	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	52 Barcombe Road Brighton BN1 9JR		
<u>Proposal:</u>	Change of use from small house in multiple occupation (C4) to eight-bedroom large house in multiple occupation (Sui Generis) incorporating single storey ground floor rear extension.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	16.03.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11.05.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	Rivers Birtwell BN1 5PD	C/o Lewis & Co Planning	2 Port Hall Road Brighton

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	-	3 March 2021
Proposed Drawing	02	A	3 March 2021

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. Notwithstanding the requirements of condition 5, the relevant external finishes of the development hereby permitted shall be as follows:

- Brickwork to match the appearance of that found on the existing building.
- Window and door frames painted/coloured white.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton and Hove Local Plan.

5. One or more bee bricks shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton and Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

6. Prior to use of the property as a (sui generis) house in multiple occupation as approved, the following noise mitigation measures shall be implemented as shown on the approved drawings:

- Sound-proofed walls
- Internal and external door soft-closing mechanisms
- External acoustic fencing

These measures shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of the application site and neighbouring properties, and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

7. The room described as 'communal living space' as detailed at ground floor level on the approved plans shall be retained as communal amenity space at all times and shall not be used as one or more bedrooms.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

8. The hereby approved development shall only be occupied by a maximum of eight (8) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

9. Prior to use of the property as a (sui generis) house in multiple occupation as approved, and notwithstanding the details of the approved plans, 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.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
4. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.

2. SITE LOCATION

- 2.1. The application site is a two-storey terraced dwellinghouse in use as a (C4) small house in multiple occupation on the east side of Barcombe Road, opposite Wild Park that is itself part of the South Downs National Park. The property has previously been enlarged with a bulky and unattractive box dormer.

3. RELEVANT HISTORY

- 3.1. **BH2019/03485** Change of use from small house in multiple occupation (C4) to eight-bedroom large house in multiple occupation (Sui Generis) incorporating single storey ground floor rear extension and associated works. Refused - Appeal Dismissed
- 3.2. The reasons for refusal were as follows:
 1. The centrally-placed bedroom within the converted loft-space, due to its limited usable floor space and poor outlook, would offer a cramped and confined standard of accommodation, detrimental to the amenities of future occupants, contrary to policy QD27 of the Brighton and Hove Local Plan.*
 2. The proposed ground floor rear bedroom, due to its proximity with shared amenity spaces would provide substandard accommodation impacted on by noise nuisance and limited privacy, detrimental to the amenities of future occupants of this room, contrary to policy QD27 of the Brighton and Hove Local Plan.

**It should be noted that although the Inspector dismissed the appeal, they did not uphold this particular reason for refusal.*

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to erect a single-storey rear extension with the aim of making internal alterations to create a total of eight bedrooms, changing the use class to that of a (Sui Generis) large house in multiple occupation with eight bedrooms.

5. CONSULTATIONS

5.1. Policy

No Comment

5.2. Private Sector Housing

No Comment

5.3. Transport

The proposed secure cycle parking is too cramped. Considering the number of bedrooms and guidance in SPD14: Parking Standards, a minimum of parking for four cycles would be acceptable. Convenient, usable cycle parking would be preferable to what is proposed; therefore, a reduction and reorganisation of the cycle stands would be welcomed. Additional specification of the model/design of cycle stand is required. It may be difficult to easily manoeuvre a bicycle to the secure parking via the shared alley due to its constraints, however this is deemed to be the best location for cycles to be stored on site.

- 5.4. The net increase in bedrooms may lead to a small increase in trip generation to and from the site but is not deemed to be significant enough to warrant an objection.

6. REPRESENTATIONS

- 6.1. **Four (4)** letters have been received, objecting to the proposal on the following grounds:

- Additional HMO accommodation is unnecessary
- The proposed enlargement will make it unlikely that the building will ever be returned to a C3 use class
- The proposed extension will impact on light to neighbouring gardens
- Too many HMOs in the area, leading to:
 - Noise nuisance
 - Littering
 - Parking stress

- 6.2. **Councillor Yates** has also submitted a representation in objection and requested the application be put before the Planning Committee if permission is minded to be approved. A copy of this representation has been attached.

7. MATERIAL CONSIDERATIONS

- 7.1. 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.

- 7.2. 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);
 - Shoreham Harbour JAAP (adopted October 2019);
- 7.3. 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.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
SA5	The Setting of the South Downs National Park
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD27	Protection of amenity

Brighton & Hove City Plan Part Two (CPP2)

Policies in the Proposed Submission City Plan Part Two do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing, Accommodation and Community
DM7	Houses in Multiple Occupation (HMOs)
DM18	High quality design and places
DM20	Protection of Amenity

DM21	Extensions and alterations
DM36	Parking and Servicing

Supplementary Planning Documents

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use, the design and appearance of the external works; the standard of accommodation that would be offered to future residents; and the potential impacts on the amenities of local residents; and on highway safety.

Principle of Development

- 9.2. The existing building is in use as a (C4) small HMO and the proposal would result in an intensification of the use to create a (Sui generis) large HMO. The principle of such a change of use was found acceptable at the time of application BH2019/03485 and was subsequently not raised as an issue by the Inspector. The principle of the development remains considered acceptable at this time.
- 9.3. Concerns have been raised that the proposed development would lead to the loss of family accommodation, but this is not the case. The site has been confirmed as lawfully in use as a small HMO and is not in use as a family dwelling. It is also not considered justified to refuse planning permission on whether the works make it more or less likely that the property will one day be used once again as family accommodation.
- 9.4. It is noted that purpose-built student accommodation has been constructed, or is under construction, in the area, that could curtail the need for additional dwelling houses to be converted. However, it should be considered that HMOs are not occupied exclusively by students and such accommodation can also be occupied by young professionals, therefore the principle of the change of use is not rendered unacceptable by the creation of student accommodation elsewhere.

Design and Appearance

- 9.5. The single-storey rear extension that made up part of the previous application on this site (BH2019/03485) was considered to be acceptable in terms of design and appearance. The current proposal includes an extension of the same form and scale, but with slightly amended fenestration; it remains considered acceptable and is not considered to cause any harm to the appearance of the host building or wider built environment.

Impact on Amenity

- 9.6. As abovementioned, the proposed rear extension matches the scale of that included in application BH2019/03485. It was not considered that such an extension will have any significant harmful impact on the amenities of local

residents. A condition will be attached restricting access to the flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as an amenity space would cause a harmful sense of overlooking for neighbours in the adjoining property.

- 9.7. Concerns have been raised that the proposed increase in the number of residents will cause an increase in noise that would be harmful to the amenities of local residents. This was not considered a reason to refuse planning permission at the time of the previous application (BH2019/03485), nor did the Inspector raise this as a concern during the course of the subsequent appeal. It is not considered that the proposal would inherently lead to an increase in noise that would be harmful to local amenities, but the council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received, therefore it is not warranted to refuse planning permission on this basis. Acoustic fencing at the rear of the site will reduce the potential noise coming from the property and the installation of this fencing shall be secured by condition.

Standard of Accommodation

- 9.8. The proposal includes eight bedrooms; two on the ground floor, three on the first floor, and three within the loft-space created by the large dormer window. Concerns were raised during the course of the previous application about the proposed layout on the uppermost floor, which is unchanged in the current proposed, but these concerns were not upheld by the Inspector at the time and it is not considered reasonable to refuse the current application on these grounds.
- 9.9. The other previous reason for concern, at ground floor level, is considered to have been overcome by a reworking of the layout. Both ground-floor level bedrooms are now at the front of the property, benefitting from good natural light and outlook from the existing windows, as well as acceptable space. The inclusion of design features such as sound-proofed walls between the bedrooms and communal areas, and soft close mechanisms on the ground floor doors, should mitigate the potential harm to ground floor residents to an acceptable degree.
- 9.10. Planning conditions shall be imposed restricted the number of residents to eight, and to ensure the retention of the ground floor communal areas. This will help ensure that a satisfactory standard of accommodation is maintained.

Impact on the Adopted Public Highway

- 9.11. The increase in the number of residential units and lack of off-street parking has the potential to exacerbate existing reported parking stress in the area. This was raised as a concern at the time of the previous application; the Officer report for BH2019/03485 states:
The proposal could lead to an additional two occupants at the application site and it is not considered that the likely subsequent increase in privately owned motor vehicles associated with the works would be considerable enough to cause harm warranting refusal of the scheme.

9.12. It is also considered that the site lies within Controlled Parking Zone D, and, aside from on match or event days, residents enjoy unrestricted on-street parking therefore the ability of the Council to restrict parking for residents is limited. In addition, it is not considered likely that an additional two residents is likely to have any significant harmful impact on local on-street parking.

9.13. The proposed cycle parking includes three Sheffield stands able to accommodate a total of six cycles within the existing outbuilding. Whilst this is above what would be required to comply with SPD14: Parking Standards, it is considered that at least some of the spaces would be inconvenient to access, and in this instance fewer stands with better access would be most desirable. An amended cycle parking scheme and its implementation would be secured by condition.

Other Considerations

9.14. Concerns have been raised that the proposal will lead to increased littering in the local area. It is not considered justified to refuse planning permission on this basis and this relates to the behaviours of individual residents and is not an inherent or unavoidable result of the development. Such behaviour and the potential impacts can be managed through alternative regimes.

9.15. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. A suitably-worded condition will be attached to secure an appropriate number of bee bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.

Conclusion

9.16. The proposed development would result in no more than two additional residents occupying the property; it would not result in the loss of family accommodation and the external alterations are considered to be acceptable. The standard of accommodation for future residents, which was the sole reason for refusal of the previous application, is now acceptable and the proposed scheme is considered to have overcome previous reasons for refusal. Biodiversity improvements, sound-reducing measures and cycle parking provision will be secured by condition. Further conditions will ensure that the number of residents does not exceed eight, and that communal amenity spaces at ground floor level shall be retained for such uses and will not be used as one or more bedrooms. For these reasons the proposal is considered to be in accordance with policies TR14, QD14 and QD27 of the Brighton and Hove Local Plan; and CP9, CP10, CP12 and CP21 of the City Plan Part One.

9.17. It is also considered that the proposal would also be in accordance with policies DM1, DM20, DM21 and DM36 of the Proposed Submission City Plan Part Two which is gathering weight. These four policies are considered to have significant weight at this stage.

10. EQUALITIES

None identified

Cllr. Daniel Yates
BH2021/00769 - 52 Barcombe Road

31st March 2021:

Stance: Customer objects to the Planning Application

Comment Reasons:

- Because of the Additional Traffic
- Noise
- Residential Amenity
- Traffic or Highways

Comment:

Reasons for objection: The impact of this HMO on the surrounding residents, community and properties could be significant due to the nature and intensification of occupation on this site:

- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation

It would also be helpful if the officer report could outline the impact of this being granted would have on the councils ability to meet its commitments within city plan part one, especially the requirements and the council's ability to meet its housing needs assessment.

I would ask that officers check the current and previously held licensing registers to check their impact on the 10% rule is properly taken into consideration.

I also note that in the recent appeal determination regarding 25 Wheatfield Way applying to increase from a 6 person HMO to a nine person HMO the inspector stated that "the increase in noise and general disturbance arising from the occupation by a maximum of 3 additional tenants would lead to significant harm. "

Additionally I note that the decision APP/Q1445/W/20/3249592 identified that:

- 1) that the existing small hmo counted towards the 10% as contained within council policy.
- 2) "the significant amount of opposition to the proposal from local residents and their representatives who perceive that the concentration of HMOs in the area is having a harmful effect on the mix and balance of the community.

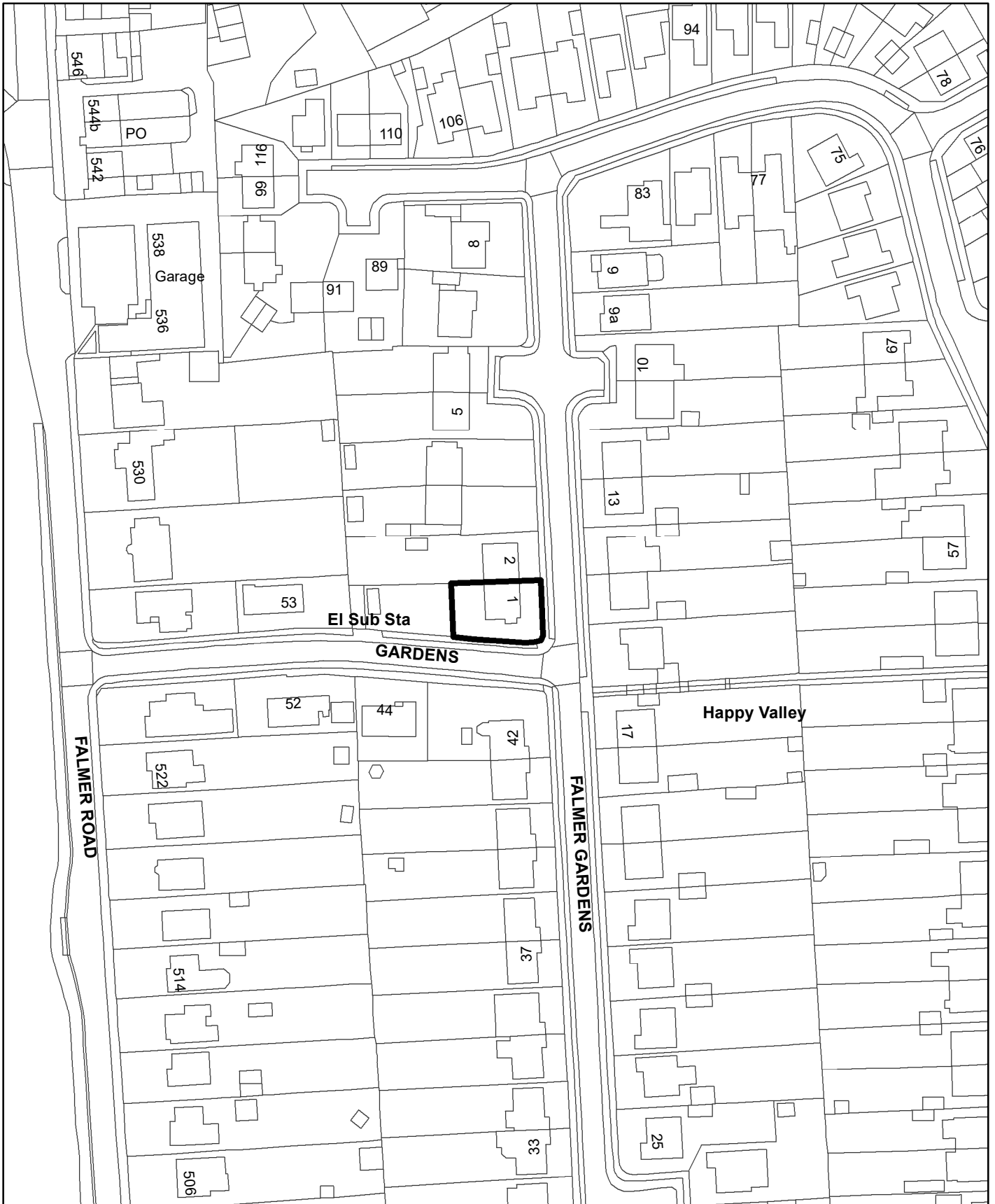
Should the recommendation on this application be to approve I would like this application to come to committee please.

ITEM E

**1 Falmer Gardens
BH2021/00779
Full Planning**

DATE OF COMMITTEE: 9th June 2021

BH2021 00779 - 1 Falmer Gardens



N



Scale: 1:1,250

<u>No:</u>	BH2021/00779	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Falmer Gardens Brighton BN2 6NE		
<u>Proposal:</u>	Change of use from a 5 bedroom single residential dwellinghouse (C3) to 5no bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	03.03.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	28.04.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	05.05.2021
Agent:	SDR Designs 14 Batemans Road	Woodingdean Brighton BN2 6RD	
Applicant:	Mr Colin Drewitt Barlow 1 Falmer Gardens	Woodingdean Brighton BN2 6NE	

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
Proposed Drawing	01	B	6 May 2021

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. The areas marked as 'Kitchen/Dining area' and 'Living room' as detailed on drawing 01 B received 6th May 2021 shall be retained as such at all times and shall not be used as bedrooms at any time.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan

4. The small HMO (C4) hereby approved shall only be occupied by a maximum of five (5) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

5. 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.

6. The HMO 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals 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

- 2.1. The application site is a detached corner property, originally a bungalow, now converted with roof extensions.

3. RELEVANT HISTORY

- 3.1. BH2020/02342: Change of use from single residential dwellinghouse (C3) to 6no bedroom small house in multiple occupation (C4). (Refused 21/12/20)
Reason for refusal: The proposed layout would provide a poor standard of accommodation due to insufficient proposed provision of space in the communal area for use by up to six people sharing and is considered to be unsuitable in this property. The development therefore fails to provide an acceptable standard of accommodation for future occupiers, contrary to policy QD27 of the Brighton and Hove Local Plan.
- 3.2. BH2019/03393: Demolition of existing single garage and erection of 1no detached single storey plus basement dwellinghouse (C3). Landscaping including car parking spaces, vehicle crossover, patio and cycle storage. (Approved 3/2/20)

- 3.3. BH2018/01088 : Erection of single storey side and rear extensions, infill extension to the front and roof alterations to include rear dormer and rooflights to the front elevation. (Approved 27/6/18)
- 3.4. 53/1168: Erection of 105 Bungalows (Approved 13/10/53)
Permitted development rights were not restricted by planning condition at the time this permission was granted.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks to change the use of the property from a C3 dwellinghouse to a five bedroom C4 House in Multiple Occupation. The current proposal differs from the application as originally submitted which sought permission to change the use of the property to a six bedroom house, but this was amended during consideration of the proposal with the loss of one bedroom to provide an increase in communal space.
- 4.2. No site visit was carried out specifically for this application. However sites visits have been carried out to the property for previous applications and this is not considered to have impacted on the ability to determine the current application.

5. REPRESENTATIONS

- 5.1. **Fourteen (14) letters** have been received from neighbours objecting to the proposed development for the following reasons:
- Impact on parking
 - Impact on pedestrians
 - Impact on local services
 - Blocking emergency vehicles
 - Overdevelopment
 - Overcrowded accommodation
 - Out of character with the area.
 - Impacts of noise from HMO
 - Loss of family home

6. CONSULTATIONS

- 6.1. **Housing:**
No comment required
- 6.2. **Planning Policy:**
No comment required
- 6.3. **Sustainable Transport:** verbal comment provided
No objection
There may be an increase in trips associated with the change of use however unlikely to be significant enough to warrant a refusal. No parking is proposed,

however there appears to be adequate space on highway if there is overspill. three cycle parking spaces will be required, secured by condition. Ideally there would be level access from the side gate to a rear cycle storage - covered and secured.

7. MATERIAL CONSIDERATIONS

7.1. 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

7.2. 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);
- Shoreham Harbour JAAP (adopted October 2019).

7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP9	Sustainable transport
CP10	Biodiversity
CP14	Housing density
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when

the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM7	Houses in Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD14 Parking Standards

9. **CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed change of use, the standard of accommodation provided, impact on amenity for neighbours and transport considerations.

Principle of Development:

- 9.2. Policy CP21 of the City Plan Part One seeks to ensure that mixed and balanced communities are retained, and that a range of housing needs can be provided throughout the city. Changes of use to a house in multiple occupation - whether that be a small HMO (C4) or large HMO (Suit Generis) - will only be permitted where the number of residential properties in use as HMOs within 50m of the application site makes up less than 10% of the total number of residential units.
- 9.3. Following the earlier refusal, an up to date mapping survey of the surrounding area (independent of that submitted as part of the application) has been carried out and twenty one separate properties have been noted within 50m of the application site. No authorised HMOs currently exist within this group, representing 0% of the total properties within 50m of the application site. The principle of the change of use is, therefore, acceptable, and a balanced mix of dwellings would still exist within the local area.
- 9.4. Based upon the existing percentage of neighbouring properties in HMO use, which is not greater than 10%, the proposal to change of use to a five bed house in multiple occupation would not be in conflict with the aims of policy CP21.

Standard of Accommodation:

- 9.5. 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, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be

achieved for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m.

- 9.6. As set out earlier, the application as originally submitted proposed to change the use of the property to a C4 House in Multiple occupation with six bedrooms. As with the previous refused application, it was considered that this would leave insufficient communal space for the proposed maximum occupancy, and as such the proposal was not suitable to recommend approval. Following discussion with the applicant during which several options were explored, an amended proposal to remove one of the bedrooms, located next to the kitchen/dining area, from use by an individual occupant and instead utilise that space as an additional communal area changed the balance such that the increase communal space is now considered sufficient and of suitable layout for the use by five unrelated individuals.
- 9.7. The revised layout has 5 bedrooms, two ensuite rooms on the first floor, and three rooms on the ground floor (one ensuite). The bedrooms shown all exceed 7.5msq, and so are all suitable for single occupancy. While some of the rooms exceed the minimum to be considered suitable for double occupancy, as the application is now for a maximum of five unrelated people, this limit will be secured by condition and the larger rooms would not consequently result in an increased occupancy. The proposed bedrooms indicated are considered to be suitable for occupation by up to five people.
- 9.8. The separate bathroom and toilet on the ground floor provide communal facilities in addition to the ensuite rooms, and meets the standards required for the potential occupancy levels.
- 9.9. The amended layout of the communal space on the ground floor provides a combined kitchen dining area, with a separate living room. The kitchen/diner would provide 18.2msq of usable space, with a small additional area by the door and understairs that could provide a small degree of additional storage. The living room would provide an additional 9.75msq of space, giving a total of almost 28msq for use by five unrelated people. All main living areas and the remaining bedrooms would provide adequate natural light and good outlook, with room to circulate once furnished with typical furniture. It is considered that the degree of communal space, the layout, size and condition of the rooms would be sufficient and would provide a satisfactory standard of accommodation.

Design and Appearance:

- 9.10. While there have been recent alterations to the property as set out in the planning history for the site, these were carried out separately from the current proposal and have been in situ for a period of time that is sufficient to not be considered as part and parcel of this application. There are no other alterations to the exterior of this property proposed.

Impact on Amenity:

- 9.11. 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.

- 9.12. This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMO's. While any additional HMO's have the potential for creating or increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.

Sustainable Transport:

- 9.13. There is no proposed off-street parking for this application but there are no restrictions for on street parking in the area around the property. A large number of objections have been received highlighting the difficulty of on street parking in the area of the application site. However, the Highway Authority considers that there is the capacity in the local area to accommodate any vehicles associated with the proposed change of use and as such, the potential impact of additional parking arising from this proposal does not warrant refusal.
- 9.14. Following the refusal given under BH2020/02342, complaints were submitted to the Local Planning Authority to the effect that notwithstanding the refusal, the comments of the Highway Authority did not reflect the reality of the parking situation in the area. In considering this application, and in light of the previous correspondence on the issues, the Highway Authority was made aware of the complaints but maintained its position that the surrounding area has the capacity to absorb parking arising from the development.
- 9.15. The proposed layout indicates that there would be four cycle parking spaces provided in the back garden. This exceeds the minimum of three and is considered acceptable. Full details of the arrangement have not been made available at this stage, and this will be secured by condition.

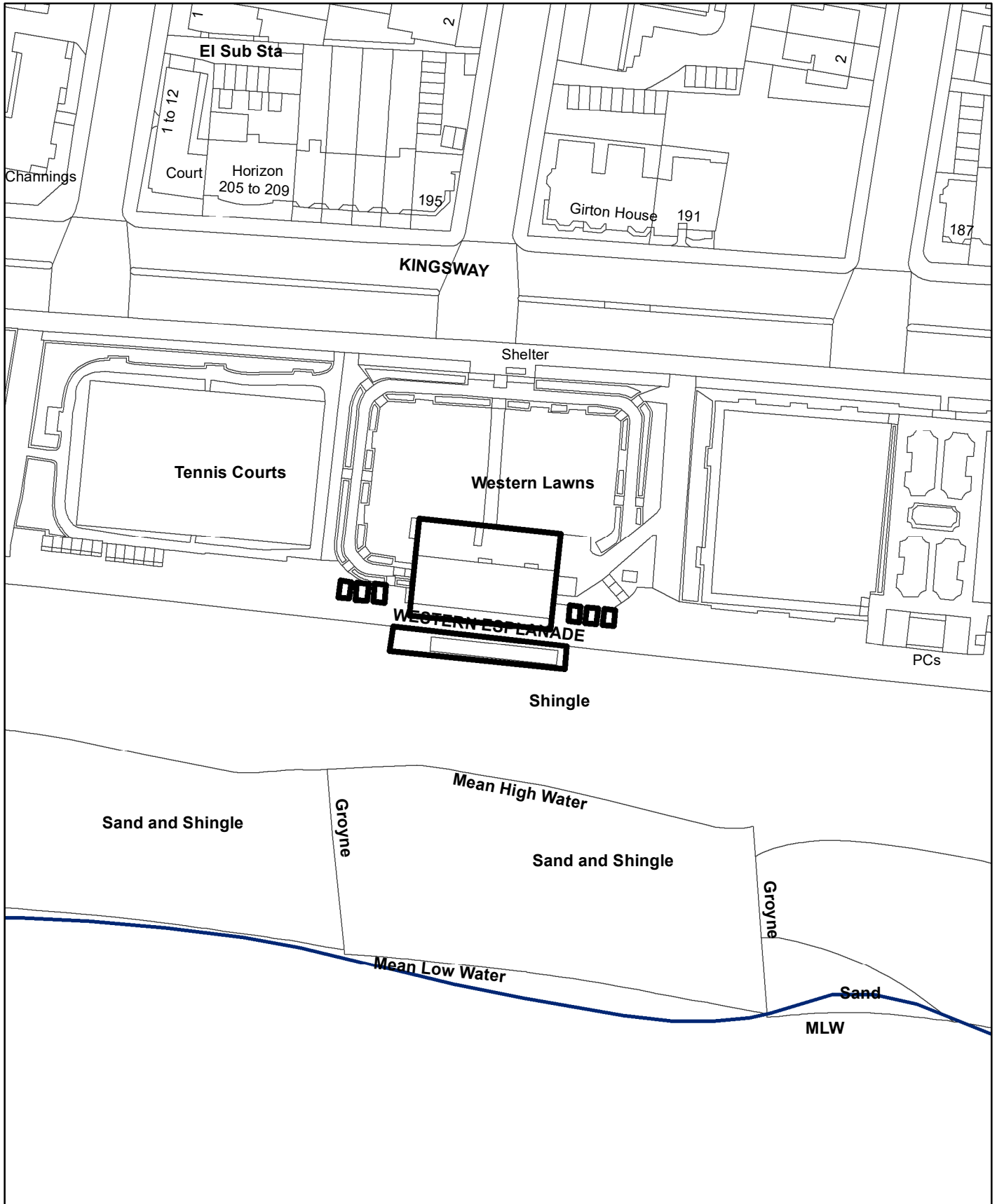
10. EQUALITIES
None identified

ITEM F

**Rockwater, Kingsway
BH2021/00229
Full Planning**

DATE OF COMMITTEE: 9th June 2021

BH2021 00229 - Rockwater, Kingsway



N



Scale: 1:1,250

<u>No:</u>	BH2021/00229	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Rockwater Kingsway Hove BN3 4FA		
<u>Proposal:</u>	Retention of existing six timber "beach huts" adjacent to the main building for a period of 6 months.		
<u>Officer:</u>	Sam Bethwaite, tel: 292138	<u>Valid Date:</u>	22.01.2021
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	19.03.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<u>Applicant:</u>	ROCKWATER GROUP LTD Road Brighton BN1 5PD	C/o Lewis & Co Planning	2 Port Hall

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 continued 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	202	A	22 January 2021
Proposed Drawing	204	B	9 April 2021
Proposed Drawing	205		22 January 2021
Proposed Drawing	207	B	30 March 2021
Report/Statement	PLANNING STATEMENT		15 March 2021

2. The kiosks hereby permitted shall be removed and the land restored to its former condition immediately on or before six months from the date of this permission.
Reason: The kiosks hereby approved are not considered suitable as a permanent form of development and to safeguard the character and setting of the site and the Sackville Gardens Conservation Area and to comply with policies QD14 and HE 6 of the Brighton and Hove Local Plan (retained policies March 2016) and Policies CP12 and CP15 of the Brighton & Hove City Plan Part One. of the Brighton & Hove Local Plan.
3. Within 1 month of the date of this permission the kiosks hereby permitted shall be painted in colours to match the adjacent beach huts located on the promenade, these colours are BS 4800 14 C35 (gloss) to the roof and upper sides and BS

4800 04 D45 (gloss) to the plinth and lower sides. The colours of the kiosks shall be retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.

Informatives:

4. 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

- 2.1. The application site is a detached property in use as a café and restaurant on Hove seafront located on the southern side of Kingsway (A259), approximately opposite the southern access to Walsingham Road.
- 2.2. The site is located within the Sackville Gardens Conservation Area, but is not subject to an Article 4 direction, nor is it a listed building or in the vicinity of any. The site is also within an Archaeological Notification Area.

3. RELEVANT HISTORY

- 3.1. **BH2020/02211** - External alterations and extensions including a glazed first floor extension above existing flat roof, new lift to roof terrace from promenade level, glazed pergola extension to north west lower ground floor, booth seating, a fire pit with canopy/chimney and bonded gravel surround to the north east side of the lower ground floor and an area of decking with balustrade to the beach south of the site. (Part Retrospective) - Approved 13.01.2021
- 3.2. **BH2020/00958** - Display of 4no internally-illuminated fascia signage to all elevations. - Approved 26.06.2020
- 3.3. **BH2020/00612** - Alterations to this restaurant / café (A3) to involve a single storey, lower ground floor extension to the west elevation with fencing above to hide new extraction equipment, including a flue at roof level; installation of glazed balustrade and parapet wall to facilitate a terrace on the roof; re-cladding, painting and fenestration changes to all elevations, including new entrances; a canopy; and a replacement staircase. - Approved 30.04.2020

4. APPLICATION DESCRIPTION

- 4.1. This application seeks permission for the retention of six timber beach hut style kiosks located on the promenade, three either side of the main building for a

period of six months. The kiosks would continue to be used for the sale of hot and cold food and beverages.

5. REPRESENTATIONS

- 5.1. **Eleven (11)** letters have been received objecting to the proposed development for the following reasons:
- Not appropriate for location
 - Result in visual sprawl of main site
 - Restrict pedestrian movement on the promenade
 - Visual clutter from associated paraphernalia located outside of the huts
 - Has an adverse impact on the conservation area
 - The huts are surplus to requirements now that the main building is open

6. CONSULTATIONS

- 6.1. **Brighton and Hove Archaeology Society:** No objection
Not aware of any archaeology deposits that are likely to be affected. Recommended contacting the County Archaeologist.
- 6.2. **Conservation Advisory Group:** No Objection
History of the site is difficult to interpret however it is noted that the application if for a temporary permission and is supported.
- 6.3. **County Archaeology:** No Comment
- 6.4. **Environmental Health:** No objection
- 6.5. **Heritage:** No objection
The Heritage officer stated that the temporary retention of the beach huts was not resisted in principle given the current national restrictions on the hospitality sector. Concerns were raised about the inconsistency of the information submitted with the application. These inconsistencies have been addressed. A lack of detail around the colour and finish of the beach huts was identified. The Heritage officer has asked for the roof, rear and sides of the huts to be painted in the same colour scheme as the adjacent beach huts along the promenade.
- 6.6. **Police Community Safety:** No objection
No major concerns with the proposal. Questioned if the use class for the huts should be Class E and Sui Generis rather than only Class E as stated in the application. Potential crime prevention inadequacies were identified and solutions for addressing these were suggested.
- 6.7. **Sustainable Transport:** No objection
Further information was requested on the cycle parking, delivery and waste and recycling arrangements for the beach huts with the question of how they will be operated raised. It has since been confirmed that the beach huts will be run by Rockwater and will not be sold, leased or franchised to third parties. The

facilities of the main site will be available to the beach hut's staff along with the delivery and waste arrangements.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. 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);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SA1	The Seafront
SA6	Sustainable Neighbourhoods
SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable economic development
CP5	Culture and tourism
CP6	Visitor accommodation
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP15	Heritage

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

TR14	Cycle access and parking
QD5	Design - street frontages
QD10	Shopfronts
QD14	Extensions and alterations
QD27	Protection of amenity
SR12	Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)
HE6	Development within or affecting the setting of conservation areas

HE10 Buildings of local interest

Brighton & Hove City Plan Part Two

- 8.1. Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20 Protection of Amenity
DM21 Extensions and alterations
DM26 Conservation Areas
DM28 Locally Listed Heritage Assets
DM29 The Setting of Heritage Assets

Supplementary Planning Documents:

SPD09 Architectural Features
SPD12 Design Guide for Extensions and Alterations

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to:
- the principle of locating the kiosks on the seafront
 - the impact of the proposed development on the appearance and character of the immediate seafront and adjacent buildings, and the wider conservation area
 - the impact on amenities of adjacent occupiers
 - the impact in terms of highway safety

Planning Policy and Principle of Development:

- 9.2. The beach huts operate as an extension to the main Rockwater building and function, serving hot and cold beverages and food. The intention is to support the main purpose of the site during refurbishment and extension and while Covid-19 restrictions reduce the use of the site.
- 9.3. The site falls within The Seafront Special Area (policy SA1) where the Council will work in partnership to ensure the on-going regeneration and maintenance of the seafront in an integrated and coordinated manner. One of the main aims of policy SA1 is to support the year-round sport, leisure and cultural role of the seafront. It is considered that the proposed development does in principle accord with this broad aim, by supporting the regeneration of the main Rockwater site.
- 9.4. City Plan Part One Policy CP5 applies to this proposal since this site is categorised as an existing visitor facility, and this policy supports their retention, upgrading and enhancement in order to meet changing consumer demands. The beach huts accord with the aims of this policy in principle.

Design and Appearance:

- 9.5. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.6. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.7. The beach hut style kiosks reference the specific location of the site and the character of the area. They seek to mimic a key feature of the locality. It is noted that they are larger than a typical beach hut and have paraphernalia associated with their use positioned around them. As a permanent addition they would not be considered acceptable given their scale and design, and they would result in visual clutter to the area and add to the sprawl of the main site following the significant extensions that have already been consented under application BH2020/02211.
- 9.8. The temporary nature of the permission applied for under this application is a mitigating factor in assessing the harm from the kiosks. The kiosks are only temporary in nature and the impact on the appearance of the site and the wider Sackville Gardens Conservation Area for a short period of only six months is considered to be limited therefore, and insufficient to warrant refusal of the application. The benefits of the scheme and the fact it is temporary are considered to outweigh the harm caused to visual amenity in this instance.
- 9.9. A condition is recommended requiring the painting of the kiosks to match the colour of the adjacent beach huts. This approach is supported by the Heritage Team as it will serve to limit the visual impact of the kiosks and respect the character and setting of the conservation area in accordance with policies HE6, CP12 and CP15.

Impact on Amenity:

- 9.10. 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.
- 9.11. The impact of the kiosks on the amenity of the adjacent properties has been assessed following the submission of site photographs with this application and the review of photos taken during a site visit on the previous application BH2020/02211, this took place on 04.11.2020 when the kiosks were already in position.
- 9.12. The kiosks are located in a busy area adjacent to existing commercial premises. The kiosks are in excess of 85m from the nearest residential property and at this distance are not considered to have any impact on amenity.

Sustainable Transport:

- 9.13. A number of the public comments received on this application highlight restricted promenade space/highway safety issues caused by people queuing for the kiosks.
- 9.14. The kiosks are not positioned forward of the main Rockwater building and as such do not result in a reduction in the width of the promenade along this stretch of the seafront. The 5.5m width of the promenade is retained for the movement of pedestrians around the site.
- 9.15. Along the seafront the presence of people queueing for a venue or takeaway service is not unusual and is to some degree expected at busy times of the day and in peak season. A promenade space of 5.5 metres is considered sufficient to successfully accommodate any queues and allow people to pass by. The queueing system for the kiosks is ultimately the responsibility of the operator(s) of the site. Given the temporary nature of the permission and the sufficient space here, it is considered that it is not necessary to secure a formal queuing management plan by condition.

Sustainability:

- 9.16. It is stated in the supporting statement with this application that the beach hut style kiosks have been constructed from the flooring timbers that were removed from the main site during its refurbishment. This construction approach is welcomed and accords with the sustainability objectives of the Council.

Conclusion:

- 9.17. The proposed kiosks would help regenerate this area of the seafront and attract custom, but their scale and appearance is not considered suitable as a permanent form of development given this is a sensitive seafront location, within a conservation area.
- 9.18. The benefits of the proposal and the fact it is only temporary are considered to outweigh the temporary harm identified to visual amenity.
- 9.19. The development would not unduly compromise the width of the promenade or highway safety.

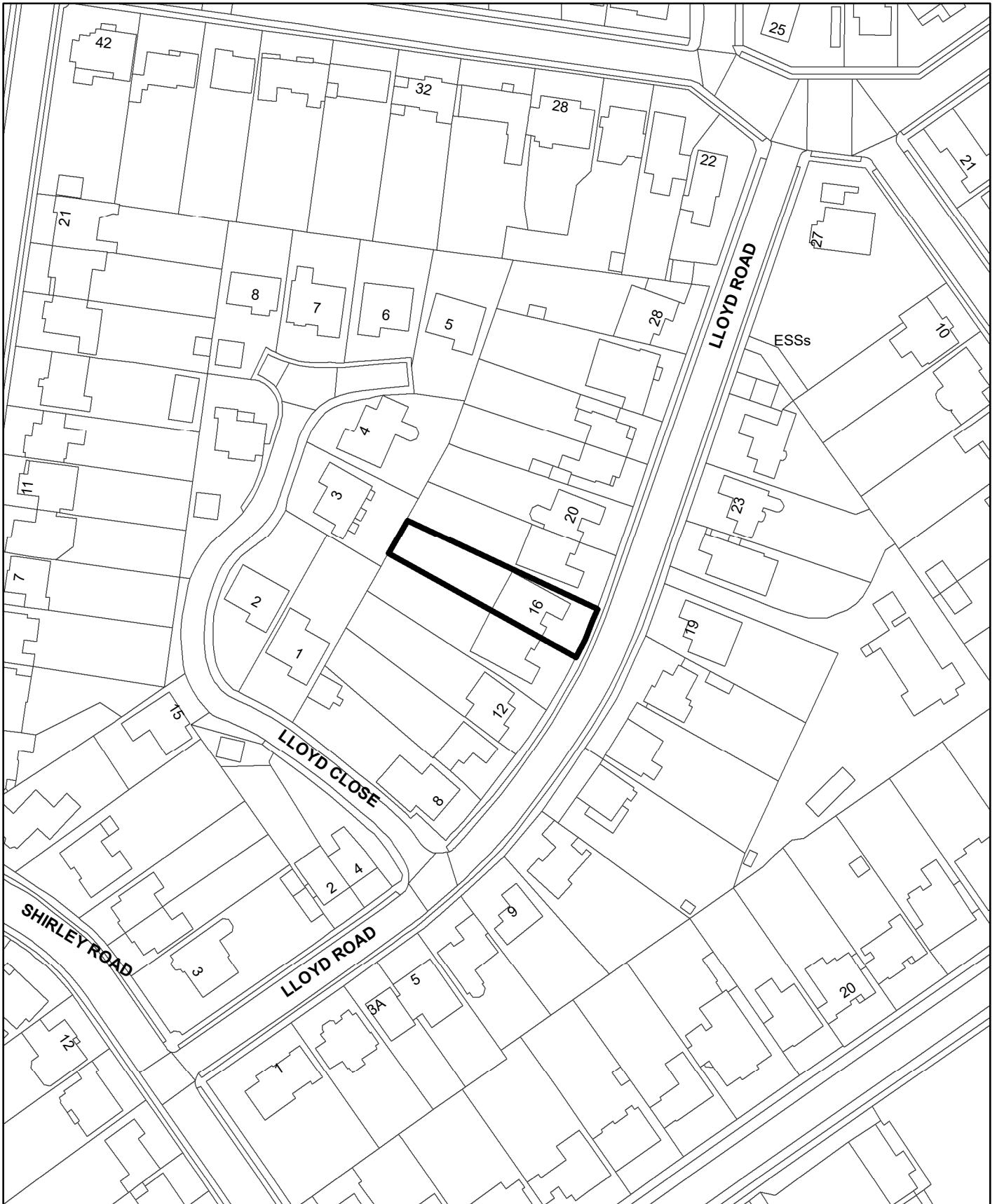
- 10. EQUALITIES**
None identified

ITEM G

**16 Lloyd Road
BH2021/00998
Householder Planning Consent**

DATE OF COMMITTEE: 9th June 2021

BH2021 00998 - 16 Lloyd Road



N



Scale: 1:1,250

<u>No:</u>	BH2021/00998	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	16 Lloyd Road Hove BN3 6NL		
<u>Proposal:</u>	Erection of single storey detached garden room outbuilding to rear garden.		
<u>Officer:</u>	Caitlin Deller, tel: 296618	<u>Valid Date:</u>	19.03.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.05.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Carr Architecture Platform 3 Village Underground 54 Holywell Lane London EC2A 3PQ		
<u>Applicant:</u>	Mr & Mrs McKay 16 Lloyd Road Hove BN3 6NL		

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	RFC_BTN_13_E X_01		19 March 2021
Proposed Drawing	RFC_BTN_13_P R_01		19 March 2021

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. The outbuilding hereby approved shall only be used for purposes incidental to the main dwelling.

Reason: To ensure the use of the development hereby permitted it appropriate for its location and does not unduly impact on the amenity of neighbours, in accordance with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE DESCRIPTION

- 2.1. The application site relates to a semi-detached property located on the north-west side of Lloyd Road.

3. RELEVANT HISTORY

None

4. APPLICATION DETAILS

- 4.1. Planning approval is sought for the erection of single storey outbuilding to rear of dwelling.
- 4.2. The outbuilding would have a width of 8 metres and a depth of 5 metres and would be located 1 metre away from both side boundaries, and 2 metres from the rear of the application site. It would measure 0.5m over the height of the existing north-east boundary wall (shared with No 18 Lloyd Road), and 1m over the south-west boundary (No 14 Lloyd Road), and 0.6m over the north-west boundary (No 3 Lloyd Close).

5. CONSULTATIONS

None

6. REPRESENTATIONS

- 6.1. **Four (4)** representations have been received, objecting to the development for the following reasons:
- Development is larger than others within the area
 - Limited space for a pump/filter to be set away from neighbours
 - Lack of detail for noise reduction
 - Pump location not shown
 - Noise disturbance
 - Introduction of another woodburner
 - Pollution
 - Impact on wildlife
 - Loss of character of the area
 - Overdevelopment
- 6.2. **Councillors Bagaean and Brown** have objected to the proposal and requested that the application be heard at Committee. A copy of their representations are attached to the report.

7. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design

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

QD14	Extensions and alterations
QD27	Protection of Amenity

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20	Protection of Amenity
DM21	Extensions and alterations

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD11	Nature Conservation & Development

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the appearance of the proposed building, the proposed use, and impact on neighbouring properties amenity.

Design and Appearance

- 8.2. The proposed single storey outbuilding would be finished with timber cladding to the elevations and a flat roof with a green roof finish. The new fenestration would be finished in aluminium. The outbuilding is located towards the end of the rear garden.
- 8.3. The outbuilding would have a width of 8 metres and a depth of 5 metres and would be located 1 metre away from both side boundaries, and 2 metres from the rear of the application site. It would measure 0.5m over the height of the existing north-east boundary wall (shared with No 18 Lloyd Road), and 1m over the south-west boundary (No 14 Lloyd Road), and 0.6m over the north-west boundary (No 3 Lloyd Close). The size of the outbuilding and positioning is considered acceptable. It would be located close to the neighbouring

boundaries, but due to the length of the rear gardens in the immediate context, the outbuilding would be a sufficient distance from the immediate neighbouring properties. Whilst it is noted that the properties along Lloyd Close to the rear are set closer towards the rear of the application site with shallower gardens, the outbuilding has been set a sufficient distance away from the rear boundary (2m) and as such, the positioning is appropriate in this context.

- 8.4. Although differing in materials from the host property, it is considered an appropriate design that would have no detrimental visual impact on the neighbouring properties or the wider area. The chosen materials and finishes of timber cladding and a green roof are considered to blend better into the existing foliage at the rear of the garden, rather than appearing overly prominent. The use of these soft natural materials would reflect the surrounding environment and therefore are considered acceptable. In addition, the distance between the outbuilding and host property means there is no harmful juxtaposition of design styles and materials.
- 8.5. It is confirmed in the plans submitted that the use of the outbuilding will be as a garden room. The outbuilding has no kitchen or bathroom facilities and the use of the garden area would remain as existing. The proposed outbuilding use is therefore considered acceptable as incidental to the main dwelling, with a clear dependency.
- 8.6. The proposed plans detail a swimming pool, however it is noted that the erection of this does not require planning permission, and as such is acceptable.
- 8.7. The proposed outbuilding and associated works are considered to be a suitable addition to the building that would not harm its appearance or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

Impact on Amenity

- 8.8. The form of the proposed outbuilding would have no detrimental effects, as although relatively large in footprint, it is single storey with a flat roof and set back from the surrounding houses, therefore causes no overbearing or overshadowing effects.
- 8.9. The fenestration proposed is not considered to cause any overlooking harm as it is all located at ground floor level.
- 8.10. The proposed outbuilding use as garden room may increase the degree of activity in this area in the summer months, but it is considered that any noise or nuisance generated through this increased user, would not be so substantial as to warrant refusal given the incidental use of the building proposed. A condition would be attached restricting the use as incidental to the host property, to ensure no substantial change in use occurs from that considered in this report.
- 8.11. Concerns have been raised in regards to the potential noise impact as a result of the swimming pool equipment, and air pollution from the proposed wood burner. The provision of a swimming pool is considered permitted development

and does not require planning permission. The installation of a wood burner is also normally considered to be permitted development, development not requiring planning consent, and therefore there is no strong objection to the provision of this. Any complaints in regards to the potential smoke pollution as a result should be referred to the Environmental Health department.

- 8.12. It should also be considered that the erection of this outbuilding, if lowered in height by 0.3m, would not require a planning application as it would be considered permitted development.
- 8.13. The proposed outbuilding and works would not cause significant harm to the amenity, in accordance with Policy QD27 of the Brighton & Hove Local Plan. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy following an investigation and no significant harm has been identified.

Other matters

- 8.14. The street outside 16 Lloyd Road is within an NIA (nature improvement area), the development site at the rear itself is not. The application does however propose a green roof and given the relatively minor scale of the development is not considered to have a detrimental impact upon biodiversity and approval is recommended for the reasons set out above.

9. EQUALITIES

None identified

Cllr. Samer Bagaeen
BH2021/00998 - 16 Lloyd Road

8th April 2021:

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Noise
- Overdevelopment
- Poor design
- Residential Amenity
- Too close to the boundary

Comment: Given the scant information on the plans and the lack of detail, including for the pool & its equipment, and the presence of an additional wood burner (I make 2 already on site from Google maps but these are not on the plans), could this please be referred to committee in case officers are minded to grant. Thank you.

Cllr. Vanessa Brown
BH2021/00998 - 16 Lloyd Road

12th April 2021:

As one of the Councillors for Hove Park Ward I have concerns about the above application and would therefore like to object.

This is a semi detached property, not a detached one. To propose to put a large garden room plus a swimming pool with the necessary pump, filter and heating units seems an overdevelopment. It is also likely to cause noise disturbance to the neighbours. Secondly the house already has one woodburning stove plus a pizza oven fuelled by wood in the garden. These plans incorporate yet another woodburner. This will cause more smoke pollution.

This is a designated Nature Improvement area and the inevitable noise, light and smoke pollution will harm the local wildlife.

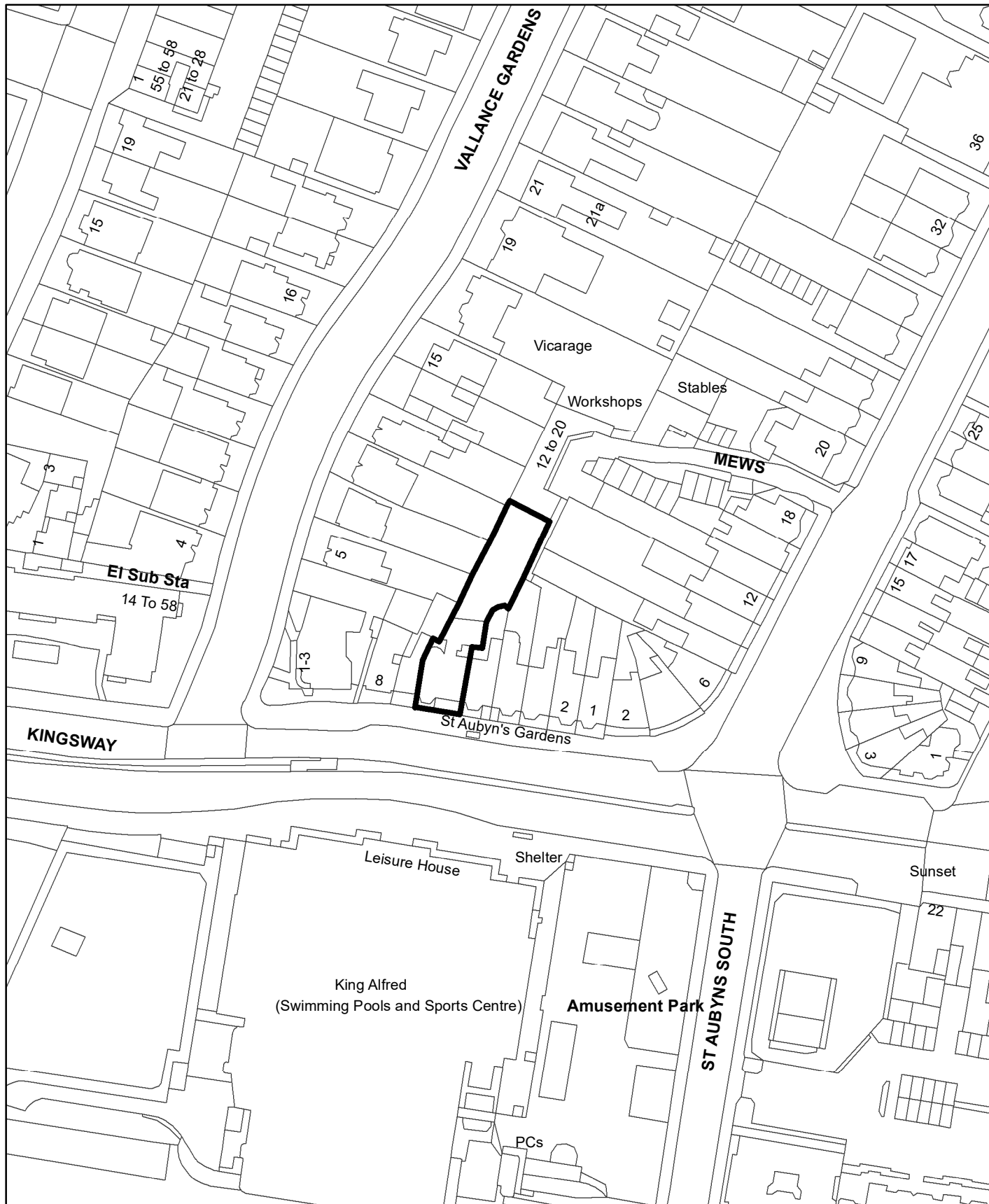
If these proposals are recommended to be passed I would like the plans to go before the Planning Committee for decision.

ITEM H

**6 St Aubyns Gardens
BH2021/00897
Full Planning**

DATE OF COMMITTEE: 9th June 2021

BH2021 00897 - 6 St Aubyns Gardens



Scale: 1:1,250

<u>No:</u>	BH2021/00897	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	6 St Aubyns Gardens Hove BN3 2TA		
<u>Proposal:</u>	Retention of flat roof to replace existing pitched roof to rear outrigger.		
<u>Officer:</u>	Russell Brown, tel: 293817	<u>Valid Date:</u>	12.03.2021
<u>Con Area:</u>		<u>Expiry Date:</u>	07.05.2021
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	ADC Ltd 72A Beaconsfield Road Brighton BN1 6DD		
Applicant:	Bellimo Ltd Brighton Kingsway Hotel 2 St Aubyns Hove BN3 2TB		

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
Proposed Drawing	ADC1345/05	A	30 April 2021
Proposed Drawing	ADC1345/06	A	30 April 2021
Proposed Drawing	ADC1345/07		12 March 2021
Proposed Drawing	ADC1345/08		12 March 2021
Location and block plan	ADC1345/LP		12 March 2021

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. Access to the flat roof hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. SITE LOCATION

- 2.1. The application site is on the north side of St Aubyns Gardens, which is effectively part of the west-to-east section of the dual carriageway known as Kingsway (A259), and opposite King Alfred Leisure Centre. It is a mid-terrace building, but which is at the western end of a row of 15 similar Classical style, mid-Victorian properties with two lower, four storey buildings adjoined to its western flank wall. The property the subject of this application was original four storeys plus basement and roofspace, which has subsequently been converted via roof extensions either side of the original Dutch gables to the front elevation. In contrast with those buildings to the east, it only has one canted bay and features light green painted render as opposed to cream coloured render. To the rear it has a two storey outrigger that is set away from the rear elevation and straddles the boundary with no. 5. According to Council Tax records, the building is comprised of six flats; 1-4 are numbered as such and there are also nos. 6A and 6B.
- 2.2. The application site is within the Old Hove Conservation Area, an Archaeological Notification Area and Controlled Parking Zone (CPZ) N. It is not a listed building or within the setting of any.

3. RELEVANT HISTORY

- 3.1. **BH2021/01599**: Retention of a single storey annex building for use as an office. Invalid
- 3.2. **BH2002/01632/FP**: Alteration to rear roof light to form roof access hatch. Approved 13 August 2002

4. APPLICATION DESCRIPTION

- 4.1. The current application seeks the retention of a flat roof to replace the existing pitched roof to the outrigger to the rear of this building. The works commenced on 1 November 2020 and although they were not finished at the time of the application, they have since been completed in May 2021.

5. REPRESENTATIONS

- 5.1. **Eight (8) objections** have been received, **five** of which are from properties directly affected, raising the following concerns:
- The Council and neighbours should have been consulted on this significant building change prior to the work commencing.
 - Loss of light
 - The extension is out of character with the other buildings in the row.

- Scaffolding has been erected for under false pretences (repair, not an entire new roof) and for longer than stated, significantly limiting the use of garden space by neighbours. Debris including brickwork, nails and wood has also fallen from it at a significant height into neighbouring properties without warning.
- Construction noise and disruption, including from the burning of construction waste.
- Visually the pitched roof is more in keeping with the rear of all these properties.
- It appears that the roof replacement is to allow the loft to become a habitable space.
- It would not preserve the character and the appearance of the conservation area.
- It impacts on the neighbouring properties valuation.
- The flat roof must not be allowed to be used as a terrace to overlook adjoining properties and become a potential noisy party area.

5.2. **Nine (9)** representations in support, **four** of which are from properties directly affected have been received for the proposal for the following reasons:

- The roof works undertaken are not unsightly.
- The roof works on the back of the building would not affect its nice character and uniqueness on this row by reason of its colour.
- The appearance and size of the new roof is appropriate.
- It is understood that the occupant of the flat affected was unhappy with the damp conditions due to the old damaged roof.
- The new flat roof is nicely designed, matches the current building and adds beauty to the area.

6. CONSULTATIONS

None

7. MATERIAL CONSIDERATIONS

7.1. 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.

7.2. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

7.3. 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);
- Shoreham Harbour JAAP (adopted October 2019).

7.4. 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.

8. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development
 CP12 Urban design
 CP15 Heritage

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

QD14 Extensions and alterations
 QD27 Protection of amenity
 HE6 Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM18 High quality design and places
 DM20 Protection of Amenity
 DM21 Extensions and alterations
 DM26 Conservation Areas

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

9. **CONSIDERATIONS & ASSESSMENT**

9.1. The main considerations in the determination of this application relate to design and heritage as well as the impact on neighbouring amenity.

9.2. Officers investigating the matter prior to submission of the application visited the application site. The application has been assessed using photographs and information from previous site visits as well as using aerial imagery.

Design and Heritage

- 9.3. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 9.4. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.5. The application involves removing the pre-existing pitched roof and extending the sides of the outrigger upwards by 1.87m creating a flat roof. The total height of the outrigger as extended would be 9.7m from ground level, 57cm below the ridge height of the pre-existing pitched roof. This has also resulted in the removal of the chimney. It is understood that the rationale behind this is to replace the previous leaking roof.
- 9.6. In terms of the surrounding context, there are a mix of roof forms to the rear outriggers (where they exist) of properties within this curved terrace on St Aubyns Gardens and St Aubyns, which is to the east and runs up to Church Road (B2066) to the north. Some are pitched down towards the rear gardens, some are dual-pitched down to either side and some are flat. The roof forms of nos. 7 and 8 as well as 1-3 Vallance Gardens immediately to the east are also flat. The existing roof form incorporating three pitches is not one that is seen in the immediate area and therefore this application results in the removal of an incongruous roof form. Given that the outrigger is not historic, does not have group value and in the context of this mix of roof forms, both a single pitch down to the rear of the gardens and a flat roof are acceptable in principle.
- 9.7. The additional height from the eaves of the pre-existing roof is considered acceptable in design terms as the height of the outriggers varies from single storey to four storeys. It also provides an improved standard of accommodation for the occupier in respect of enlarged floor to ceiling heights to their living room, kitchen and shower room.
- 9.8. As regards materials, the flat roof is GRP (Glass Reinforced Plastic), also known as fibreglass. GRP offers a high resistance to long-term wear, is low maintenance, UV resistant, remains watertight and cannot rust or corrode. It is resin applied straight onto roof boarding and the topcoat results in a dark grey coloured finish. As such, it is considered to be an attractive, high quality material that, although modern, is suitable for use in a conservation area. It is recognised that the flat roof is visible from the public realm, specifically the gap between the rear elevation of 1-3 Vallance Gardens and the flank wall of 5 Vallance Gardens, but that no harm to heritage assets would arise in the view of Officers. As such, NPPF paragraph 196 regarding public benefits is not engaged.
- 9.9. Therefore, the change from a pitched roof form to a flat roof is considered acceptable in design and heritage terms and would not materially harm the appearance and character of the Old Hove Conservation Area or due to the siting and scale of development would not have a detrimental impact on the setting of any nearby listed buildings. As such, the application is considered to

be compliant with Policies CP12 and CP15 of the City Plan Part One and QD14 and HE6 of the Local Plan.

Impact on Neighbouring Amenity

- 9.10. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.11. The objections received raise issues of loss of light, overlooking and noise from the potential use of the flat roof as a terrace / amenity area.
- 9.12. Given the orientation of the site with the rear of the property facing north, any loss of light would be to the rear gardens of 5 and 7 St Aubyns Gardens as well as to that of the application property. The test for overshadowing is set out in the BRE guidance where an adverse impact is caused when either the area of garden that can receive 2 or more hours of direct sunlight on 21 March is reduced to below 50% of the total area, and the total area of the garden that can receive 2 or more hours of direct sunlight on 21 March is reduced by 20% or more of the existing value as a result of the proposed development. The overshadowing created by the increase in height to the sides of the roof is considered to be relatively minor, particularly given the existing situation where the four storey frontage buildings overshadow much of the rear gardens of these properties. As such, the rear gardens are considered to not be adversely affected by this application.
- 9.13. No windows have been included in the section of additional height to this rear outrigger and therefore no overlooking or loss of privacy would ensue. It is recognised, however, that its use as a roof terrace or external amenity area would cause an adverse impact on that respect as well as a noise disturbance. As such, a condition is recommended to be imposed preventing the use of the flat roof as any kind of terrace or amenity area.
- 9.14. As such, the proposal is considered to be in accordance with Policy QD27 of the Brighton and Hove Local Plan.

Matters raised by consultation

- 9.15. Matters regarding property values, noise, disturbance and general unneighbourly activity generated by building works, including that from scaffolding, are not valid planning considerations and therefore have not been taken into account in the determination of this application. The drawings do not show a loft to the rear outrigger or it as a habitable space.

10. CONCLUSION

- 10.1. This application is considered acceptable since the replacement roof form would not be out of character or incongruous with the appearance of the host terrace and the conservation area, and would not cause harm to neighbouring amenity. As such, this application is recommended for approval.

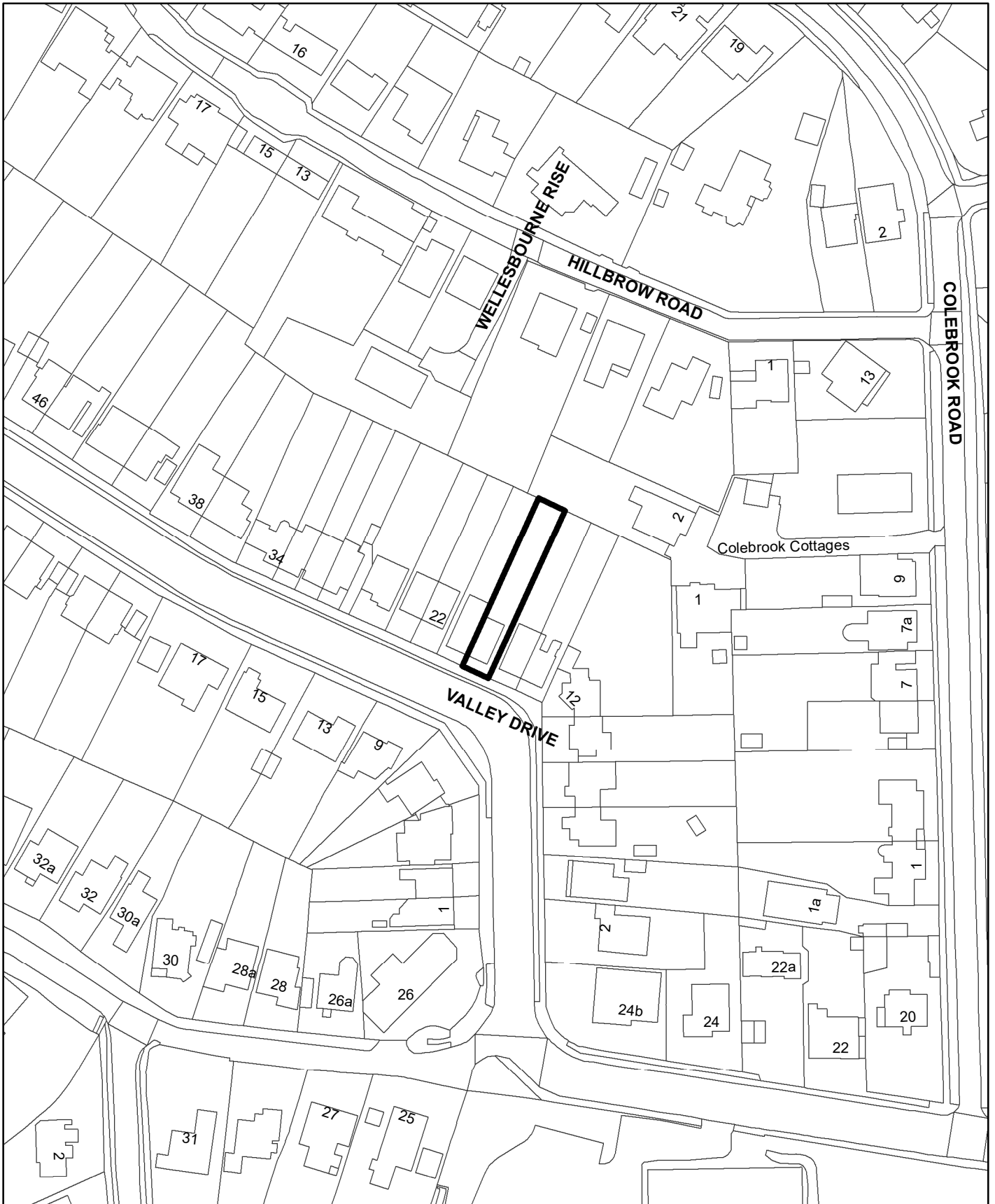
11. EQUALITIES
None identified

ITEM I

**18 Valley Drive
BH2020/03287
Householder Planning Consent**

DATE OF COMMITTEE: 9th June 2021

BH2020 03287 - 18 Valley Drive



N



Scale: 1:1,250

<u>No:</u>	BH2020/03287	<u>Ward:</u>	Withdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	18 Valley Drive Brighton BN1 5FA		
<u>Proposal:</u>	Erection of folly in rear garden.		
<u>Officer:</u>	Sam Bethwaite, tel: 292138	<u>Valid Date:</u>	18.11.2020
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.01.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	CMK Planning 11 Jew Street Hove BN1 1UT		
<u>Applicant:</u>	Mr P Byrne 14 Valley Drive Brighton BN1 5FA		

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
Proposed Drawing	150	G	22 April 2021
Proposed Drawing	250	E	22 April 2021
Location and block plan	002	B	9 March 2021

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. The landscaping scheme detailed on drawing no.150 revision G received on 22.04.2021 shall be carried out in the first planting and seeding season following the first occupation/use of the development hereby permitted or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced 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, to protect neighbouring amenity and to comply with policies QD15 and QD27 of the Brighton & Hove Local Plan.

Informatives:

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

2. APPLICATION SITE

- 2.1. The application site is a semi-detached house located on the north side of Valley Drive. The rear garden slopes steeply upwards from the rear of the house and is relatively long at approximately 30m and comparatively narrow at approximately 7m.

3. RELEVANT HISTORY

- 3.1. Pre-application advice request under reference PRE2020/00116 for the creation of a raised terrace in the rear garden in the style of a folly. Response summarised below:
 - The design and materials of the proposed raised patio are likely to be considered acceptable.
 - The potential for overlooking towards the neighbouring gardens is the main consideration against which, the acceptability of the proposed structure will be assessed.
 - A formal planning application will include a site visit where the potential amenity impacts of the proposed raised patio will be fully considered.

4. APPLICATION DETAILS

- 4.1. This application is for the erection of a raised patio at the north end of the rear garden. This would be in the style of a medieval folly, so would have a stone construction with castle inspired detailing. The garden would be terraced to accommodate the raised patio.
- 4.2. The proposed structure would have two levels, the smaller lower level would have a maximum platform height of approximately 0.38m above the existing garden level and an area of approximately 2sqm. The upper level would have a maximum platform height of approximately 0.78m above the existing garden level and an area of approximately 17.4sqm.
- 4.3. The application has been amended during the consideration process with the height of the proposed terraced reduced by 0.25m and reduced in width by approximately 1.9m. Additional details of proposed screening by planting have also been submitted.

5. CONSULTATIONS

None

6. REPRESENTATIONS

- 6.1. **Eleven (11)** letters have been received, objecting to the proposed development on the following grounds:
- Overlooking and reduction in privacy
 - Noise disturbance
 - Detrimental impact on property prices
 - Out of character for the area
 - Excessive garden development
 - Concern regarding rainwater runoff and lack of drainage
 - Inappropriate height
 - Overshadowing of gardens
 - Increase in traffic from visitors to the site
 - Impact on wildlife
 - Light pollution
- 6.2. **Councillors Nield and Davis** have objected to the application. A copy of their representation is attached to the end of this report.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. 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);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.3. 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.

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

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

QD14	Extensions and alterations
QD15	Landscape Design
QD27	Protection of Amenity

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM20	Protection of Amenity
DM21	Extensions and alterations

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
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9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main issues to consider are design and appearance and impact to the visual amenities of the area, and the impact to amenity.

Design and Appearance:

- 9.2. The proposed terrace would be constructed in materials that are different from the main house but that match an existing smaller feature within the garden. The design and detailing in the style of a folly would contrast with the render and tile finish of the main dwelling. In this instance this is considered acceptable. The proposed structure would be separated from the main house by a substantial distance and as such the contrasting style would not present in a jarring manner.
- 9.3. The position of the proposed raised terrace in the rear garden of the application site would mean that it would not be highly visible in the street scene of Valley Drive. Potential glimpse views only may be available between 16 and 18 Valley Drive. It is acknowledged that the structure will be visible from the rear windows the neighbouring properties. The proposed planting that will be secured by condition would reduce the prominence of the proposed structure from the neighbouring properties and soften its impact on the landscape.
- 9.4. The scale of the proposed terrace would fit comfortably within the rear garden of the site and would not result in it appearing overdeveloped. It should be noted there are examples of other outbuildings in rear gardens in similar positions in the area.
- 9.5. The proposed terrace is considered to be a suitable addition to the site that would not harm its appearance or that of the wider area, in accordance with

policy QD14 of the Brighton & Hove Local Plan, DM21 of the Brighton & Hove City Plan Part Two and SPD12 guidance.

Impact on Amenity:

- 9.6. The impact on the adjacent properties at 16 & 20 Valley Drive and 2 Colebrook Cottages has been fully considered in terms of daylight, sunlight, outlook and privacy following a site visit that took place after completing a covid-19 risk assessment, and no significant harm has been identified.
- 9.7. It is noted that despite the substantial size of 17.4sqm of the upper level of the proposed terrace, approximately 10sqm of this would be at, or below the existing ground level of the rear garden. The remaining 7.4sqm would be between 0.0m & 0.78m above the existing ground level. The highest portion of the proposed terrace would be set in from the boundaries of the site by 2.2m on both sides.
- 9.8. To the west of the application site is 20 Valley Drive. The existing shared boundary between the sites is a chain-link style fence (approximately 1m in height) with fake foliage attached and some trees and hedging. The proposed structure will afford an elevated position for views across the area of the rear garden at no.20 that is directly adjacent. Existing boundary planting would obscure views of the rest of the rear garden. The provision of planting as shown on the proposed plans would significantly reduce the views available and will be secured by a condition attached to this permission. It is acknowledged that the section of the garden most directly affected is away from the rear of the house, the area of a garden typically considered to be the most sensitive.
- 9.9. The views towards the rear elevation of no.20 will not be significantly different from that which already exist. The highest point of the proposed raised platform would be below the highest part of the existing garden. The distance between the rear elevation of no.20 and the proposed structure is also significant at over 22m.
- 9.10. To the east of the site is 16 Valley Drive. The shared boundary has a similar style chain-link fence with fake foliage attached and a hedge above. As with the impacts on no.20 the proposed structure would provide an elevated position for views towards the rear garden of no.16. The proposed planting would restrict these significantly, resulting in a minimal impact on privacy. The distance between the rear elevation of no.20 and the proposed structure is also significant at over 23m.
- 9.11. To the rear of the application site is 2 Colebrook Cottages. Between the sites is a significant planted boundary. The scale of this is considered to mitigate any potential amenity harm.
- 9.12. The potential for noise disturbance was highlighted in a number of the comments received on this application. The position of the proposed raised patio would be away from the adjacent properties and is considered appropriate. Potential disturbances from noise associated with the use of the patio would be investigated by the Council's Environmental Health Team but is not expected

that a domestic outbuilding/terrace used ancillary to the main dwelling would give rise to undue noise or disturbance.

9.13. It should be noted that there are other structures and outbuildings in similar positions in rear gardens in the area.

9.14. A condition requiring the implementation of the planting shown on the proposed plans has been attached to reduce the impact of the proposed structure on the privacy of the neighbouring properties and the landscape of the area. This is in accordance with policies QD15 and QD27 of the Brighton & Hove Local Plan.

10. EQUALITIES
None identified

**Cllrs. Sarah Nield and Steve Davis
BH2020/03287 – 18 Valley Drive**

6th April 2021:

Comment reasons:

- Overlooking/loss of privacy
- Out of character for the area
- Substantial hard landscaping with potential to exacerbate rain water run off in a high flood-risk area

We believe this development should not be granted and would like it to go to Planning Committee for the following reasons:

Because of the sloping nature of the gardens in this area this application to build a 'folly' on a series of raised terraces at the highest point of the garden would result in an obtrusive structure which would dominate and overlook the properties and gardens around it.

Valley Drive is a quiet residential road whose inhabitants enjoy the peace and tranquility of their back gardens. These gardens, however, are both narrow and steeply sloped upwards, and so a large structure at the top of a garden and filling its width, such as the one proposed even in these revised plans, would overlook neighbouring gardens, and provide a view into the windows of neighbouring properties, to a degree which would represent a significant loss of privacy to those residents.

Moreover, because of the same sloping nature of the gardens this folly would be highly visible from these neighbouring properties and their gardens and become a dominant feature of the neighbourhood's view. It would not be fitting for something so out of character for the area to be granted permission against the wishes of residents whose outlook it would significantly impact. This is an area of modest semi-detached houses and narrow gardens, and the effect of building a 'medieval folly' here would be an oppressive one.

There is also some concern about any application in this area which contains a significant amount of hard landscaping. This is an area at high risk of flooding, where properties have previously suffered from subsidence and been underpinned, and so an application which would add more run-off from rain water to these steeply sloping gardens brings with it the potential for further structural damage to the properties around it.

These plans are totally out of keeping with this quiet residential area. The ostentatious structure they propose would impinge on the privacy and quality of life of every resident whose garden it would overlook. For this reason as Councillors of this Ward we would like this application to be refused.

PLANNING COMMITTEE

Agenda Item 145

Brighton & Hove City Council

NEW APPEALS RECEIVED

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

GOLDSMID

BH2020/03170

Kings Gate 111 The Drive Hove BN3 6FU

Prior Approval for the erection of an additional two storeys to provide 10no self-contained flats (C3).

APPEAL IN PROGRESS

15/04/2021

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANGLETON AND KNOLL

BH2020/02965

Shanklin Court 132 Hangleton Road Hove BN3 7SB

Prior Approval for the erection of an additional two storeys to provide 8no. new flats (C3).

APPEAL IN PROGRESS

21/04/2021

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HOVE PARK

BH2020/03159

135 Woodland Avenue Hove BN3 6BJ

Erection of two storey rear extension and rear terrace with associated alterations.

APPEAL IN PROGRESS

04/05/2021

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

MOULSECOOMB AND BEVENDEAN

BH2020/03070

95 Heath Hill Avenue Brighton BN2 4FH

Change of use from small house in multiple occupation (C4) to large house in multiple occupation (Sui Generis) incorporating a single-storey rear extension, creation of parking area to the front and associated works.

APPEAL IN PROGRESS

21/04/2021

Planning (Applications) Committee

<u>WARD</u>	NORTH PORTSLADE
<u>APPEALAPPNUMBER</u>	BH2020/02755
<u>ADDRESS</u>	Land Rear Of 70 Mile Oak Road Portslade BN41 2PL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey three bedroom eco dwelling (C3) with associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	15/04/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PATCHAM
<u>APPEALAPPNUMBER</u>	BH2020/03173
<u>ADDRESS</u>	8 Mayfield Close Brighton BN1 8HP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a detached one bedroom bungalow (C3) on land to the east of existing dwelling.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	21/04/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2020/00065
<u>ADDRESS</u>	64B Preston Road Brighton BN1 4QF
<u>DEVELOPMENT DESCRIPTION</u>	Certificate of lawfulness for existing use as a dwellinghouse occupied by no more than 5 persons unrelated to each other (outside Use Class C4).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	30/04/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2020/02693
<u>ADDRESS</u>	14 Edburton Avenue Brighton BN1 6EJ
<u>DEVELOPMENT DESCRIPTION</u>	Installation of 1no additional rooflight to front elevation
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	22/04/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PRESTON PARK
<u>APPEALAPPNUMBER</u>	BH2020/03489
<u>ADDRESS</u>	51 Exeter Street Brighton BN1 5PH

<u>DEVELOPMENT DESCRIPTION</u>	Installation of new roof to existing rear infill extension and revised rear fenestration. Erection of an additional dormer to rear outrigger roof and associated works.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	05/05/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	SOUTH PORTSLADE
<u>APPEALAPPNUMBER</u>	BH2020/02566
<u>ADDRESS</u>	2 Park Crescent Portslade BN41 1SR
<u>DEVELOPMENT DESCRIPTION</u>	Conversion of a single dwelling house (C3) to form 1no one bedroom flat and 1no two bedroom flat (C3). (Retrospective)
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	29/04/2021
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	SOUTH PORTSLADE
<u>APPEALAPPNUMBER</u>	
<u>ADDRESS</u>	2 Park Crescent Portslade BN41 1SR
<u>DEVELOPMENT DESCRIPTION</u>	Appeal against EN Without planning permission, the sub-division of a single dwelling house (C3) to form 1no one bedroom flat and 1no two bedroom flat (C3).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	29/04/2021
<u>APPLICATION DECISION LEVEL</u>	Not Assigned
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2020/01986
<u>ADDRESS</u>	22 Crescent Road Brighton BN2 3RP
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from single dwelling (C3) to four bedroom small house in multiple occupation (C4). (Revised drawing and description).
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS
<u>APPEAL RECEIVED DATE</u>	21/04/2021
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	ST. PETER'S AND NORTH LAINE
<u>APPEALAPPNUMBER</u>	BH2020/03123
<u>ADDRESS</u>	28 St Mary Magdalene Street Brighton BN2 3HU
<u>DEVELOPMENT DESCRIPTION</u>	Addition of another storey to the existing rear extension to create a two storey rear extension.
<u>APPEAL STATUS</u>	APPEAL IN PROGRESS

APPEAL RECEIVED DATE 23/04/2021
APPLICATION DECISION LEVEL Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

BH2020/03140

53 Green Ridge Brighton BN1 5LU

Erection of two storey rear extension with balcony, alterations to front dormer, installation of 2no front rooflights, enlargement of front hardstanding and revised fenestration.

APPEAL IN PROGRESS

21/04/2021

Delegated

WARD

APPEALAPPNUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WOODINGDEAN

BH2020/03475

13 The Ridgway Brighton BN2 6PE

Roof alterations including raising of ridge height and creation of mansard roof with dormers to front, side & rear elevations.

APPEAL IN PROGRESS

21/04/2021

Delegated

APPEAL DECISIONS FOR THE PERIOD BETWEEN 21/04/2021 AND 25/05/2021

<u>WARD</u>	BRUNSWICK AND ADELAIDE
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00021
<u>ADDRESS</u>	40 Wilbury Road Hove BN3 3JP
<u>DEVELOPMENT DESCRIPTION</u>	Erection of 2no three storey, three bedroom dwelling houses (C3).
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/01331
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	CENTRAL HOVE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00122
<u>ADDRESS</u>	71 Church Road Hove BN3 2BB
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey one bedroom dwelling to rear at lower ground floor level incorporating cycle storage.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/02675
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HANOVER AND ELM GROVE
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00147
<u>ADDRESS</u>	22 Hanover Terrace Brighton BN2 9SN
<u>DEVELOPMENT DESCRIPTION</u>	Creation of additional lower ground floor level to form new 1 bedroom dwelling (C3) with extension to existing HMO above. Alterations to rear garden to create lower ground floor courtyard and ground floor patio, formation of new front entrance way for new dwelling, removal of chimneys and associated works.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2019/03120
APPLICATION DECISION LEVEL Delegated

WARD

HANOVER AND ELM GROVE

APPEAL APPLICATION NUMBER

APL2021/00018

ADDRESS

143 - 144 Islingword Road Brighton BN2 9SH

DEVELOPMENT DESCRIPTION

Conversion of existing shop (A1) and 3no flats (C3) to create shop (A1) and 5no flats (C3) incorporating the erection of a three storey rear extension and alterations to fenestration to the rear.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/01393

APPLICATION DECISION LEVEL

Delegated

WARD

HOVE PARK

APPEAL APPLICATION NUMBER

APL2020/00186

ADDRESS

2 The Conifers Tongdean Avenue Hove BN3 6TN

DEVELOPMENT DESCRIPTION

Erection of additional storey to existing detached garage, and side extension. (Part Retrospective)

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2020/02202

APPLICATION DECISION LEVEL

Delegated

WARD

MOULSECOOMB AND BEVENDEAN

APPEAL APPLICATION NUMBER

APL2021/00017

ADDRESS

92 Southall Avenue Brighton BN2 4BB

DEVELOPMENT DESCRIPTION

Change of use from 3 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4), and the erection of a single storey rear extension and rear decking (part retrospective).

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL ALLOWED

PLANNING APPLICATION NUMBER

BH2020/01765

APPLICATION DECISION LEVEL

Delegated

<u>WARD</u>	MOULSECOOMB AND BEVENDEAN
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00019
<u>ADDRESS</u>	118 Newick Road Brighton BN1 9JG
<u>DEVELOPMENT DESCRIPTION</u>	Change of use from six bedroom small house in multiple occupation (C4) to eight bedroom large house in multiple occupation (Sui Generis) and installation of cycle and bin stores.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02586
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	NORTH PORTSLADE
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00015
<u>ADDRESS</u>	16 Graham Avenue Portslade BN41 2WL
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey front extension, roof alterations incorporating side dormers and 3no side rooflights.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/03365
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PRESTON PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2020/00128
<u>ADDRESS</u>	Flat 1, 176 Springfield Road Brighton BN1 6DG
<u>DEVELOPMENT DESCRIPTION</u>	Conversion & excavation of existing basement to form 1no studio flat (C3) incorporating single storey rear extension with terrace above for existing ground floor flat, new side access & revised fenestration.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2019/02590
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	PRESTON PARK
<u>APPEAL APPLICATION NUMBER</u>	APL2021/00002
<u>ADDRESS</u>	60 Old Shoreham Road Brighton BN1 5DD
<u>DEVELOPMENT DESCRIPTION</u>	Creation of driveway to front with vehicle crossover.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2020/01715
APPLICATION DECISION LEVEL Delegated

WARD **QUEEN'S PARK**
APPEAL APPLICATION NUMBER APL2021/00008
ADDRESS Glenside Court 37 Marine Parade Brighton
BN2
1TR
DEVELOPMENT DESCRIPTION Conversion of basement to form 1no
additional 1 bedroom dwelling unit (C3) and
associated works incorporating replacement
of grated lightwell grills with new glass walk
over lightwell coverings.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL ALLOWED
PLANNING APPLICATION NUMBER BH2020/00964
APPLICATION DECISION LEVEL Delegated

WARD **REGENCY**
APPEAL APPLICATION NUMBER APL2020/00176
ADDRESS 50 Upper North Street Brighton BN1 3FH
DEVELOPMENT DESCRIPTION Change of use from ancillary retail storage
space (A1) to create 1no one bedroom flat
(C3) (retrospective).

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED
PLANNING APPLICATION NUMBER BH2020/00385
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEAL APPLICATION NUMBER APL2021/00006
ADDRESS Flat 7 And Flat 9 20 - 22 Lewes Crescent
Brighton BN2 1GB
DEVELOPMENT DESCRIPTION Installation of Passenger Platform Lift linking
Flats 7 and 9. Installation of shower room
and toilet in Flat 9, with associated
alterations.

APPEAL TYPE Against Refusal
APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2020/01418

APPLICATION DECISION LEVEL Delegated

WARD **SOUTH PORTSLADE**

APPEAL APPLICATION NUMBER APL2021/00022

ADDRESS 263 Old Shoreham Road Portslade BN41 1XS

DEVELOPMENT DESCRIPTION Erection of external fire escape stairs and access from loft floor to ground level at side and rear elevations.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2020/02913

APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER APL2021/00005

ADDRESS 54A London Road Brighton BN1 4JE

DEVELOPMENT DESCRIPTION Conversion of existing three bedroom maisonette (C3) at first and second floors to create 2no one bedroom flats (C3).

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2020/02041

APPLICATION DECISION LEVEL Delegated

WARD **ST. PETER'S AND NORTH LAINE**

APPEAL APPLICATION NUMBER APL2021/00020

ADDRESS 31 Tidy Street Brighton BN1 4EL

DEVELOPMENT DESCRIPTION Change of use from single dwelling house (C3) to a four bedroom small house in multiple occupation (C4) (Retrospective).

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2020/01448

APPLICATION DECISION LEVEL Delegated

WARD **WESTBOURNE**

APPEAL APPLICATION NUMBER APL2021/00023

ADDRESS 1 Pembroke Crescent Hove BN3 5DH

<u>DEVELOPMENT DESCRIPTION</u>	Alterations to front boundary to create larger opening for driveway with vehicle crossover. Installation of electric car charge point.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2020/02754
<u>APPLICATION DECISION LEVEL</u>	Delegated
