

<u>No:</u>	BH2016/05598	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning and Demolition in CA		
<u>Address:</u>	Land Rear Of 43 Brunswick Place Hove		
<u>Proposal:</u>	Demolition of 2no existing garages and erection of 1no two bedroom dwelling (C3).		
<u>Officer:</u>	Colm McKee, tel: 292549	<u>Valid Date:</u>	12.10.2016
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	07.12.2016
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Nick Stickland 3 Dorset Place Brighton BN2 1ST		
<u>Applicant:</u>	Mr Paul O'Shea C/O ZST Architects 3 Dorset Place Brighton BN1 6LU		

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	16023-P-010		7 October 2016
Other	16023-0-110		7 October 2016
Other	16023-P-111		7 October 2016
Other	16023-P-101		7 October 2016

- 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 extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Class [A - D] of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and HE3 and QD27 of the Brighton & Hove Local Plan.

- 4 The dwelling hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 5 None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).
Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One.
- 6 The residential unit hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.
- 7 No development above ground floor slab level shall take place until full details of all new windows and their reveals and cills and doors including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority.
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 City Plan Part One.
- 8 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme has been submitted to and approved in writing detailing pedestrian crossing improvements (dropped kerbs and tactile paving) at the junction of and across Lansdowne Road (east) with Lansdowne Place. The scheme to be implemented and completed prior to the occupation of the development and thereafter retained.
Reason: To ensure that suitable footway provision is provided to and from the development and to comply with policies TR7, TR11 and TR12 of the Brighton & Hove Local Plan & CP9 of the City Plan Part One.
- 9 No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme has been submitted to and

approved in writing detailing the reinstatement of the redundant vehicle crossover (rear of 43 Brunswick Place in Farm Road) back to a footway by raising the existing kerb and footway. The scheme to implemented and completed prior to the occupation of the development and thereafter retained.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.

- 10 The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: This pre-commencement condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2 The applicant is advised to contact the Council's Streetworks team (permit.admin@brightonhove.gov.uk 01273 293366) and obtain all necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of condition 8.
- 3 The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
- 4 The applicant is advised that the scheme required to be submitted by Condition 10 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car free.
- 5 In respect of condition 3 the applicants attention is drawn to the Heritage Comment's comments regarding the painting of the front door as opposed to stain.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site is located on Farm Road, to the rear of 43 Brunswick Place and is within the Brunswick Town Conservation Area. The properties located to the east of the site, including the adjoining property no. 43 Brunswick Place, are listed buildings.
- 2.2 The application proposes the demolition of the 2 existing adjoined garages and the erection of 1no two bedroom dwelling.
- 2.3 Until recent years the eastern side of Farm Road comprised mainly garages and the rear boundary walls of properties fronting Brunswick Place. However many of these plots have been developed piecemeal by way of small two storey houses fronting straight onto the road and as such the character of this side of the street is being defined by this form of development. The western side of Farm Road is different in character to the west, which comprises mostly three storey Victorian terraced houses.
- 2.4 On the site is a double garage, with brick face and metal 'up and over' doors. The site is bound to three sides by adjoining properties. To the north there is a passageway from Farm Road serving 45 Brunswick Place, beyond which is a double garage. To the south there is a double single storey garage.
- 2.5 To the East is the rear garden of 43 Brunswick Place (flats) which has an outrigger. The garage is built hard against the west boundary with no.43. The rear outrigger of no.43 is approximately 8.6m from the rear boundary of the application site, with the rear main face being approximately 14m.
- 2.6 To the front of the garages there is an area of hard standing, beyond which is Farm Road, which runs parallel with the front of the site.
- 2.7 The application proposes a single 2 bedroom dwelling that would front the roadside and take up the width of the plot. The bulk of the rear face of the dwelling would be built to approximately 1.4m to the rear boundary with the exception of a projecting single storey 'lean-to' section which would be built against the rear boundary.
- 2.8 The dwelling would have a low pitched roof. The principal elevation would front the roadside (Farm Road) with a height of approximately 6m to the eaves. External materials would be smooth render with slate roof and timber windows.

3. RELEVANT HISTORY

- 3.1 There is no history specifically related to this site however there are two applications in the locality which are relevant to this proposal - one refusal immediately adjacent the site to the north, (BH2015/03232 Demolition of garages and erection of 1no two bedroom dwelling) in addition to an approval at 54 and 55 Farm Road (BH2014/02267 Land to Rear of 31 & 33 Brunswick Place).

BH2015/03232 Demolition of garages and erection of 1no two bedroom dwelling (C3). Refused 15/03/2016 for the following reasons;

1. The development, by reason of its height, bulk and siting on the rear Boundary would have an overbearing and enclosing impact, whilst resulting in a harmful loss of light and outlook to No. 45 Brunswick Place. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
2. The proposed layout of the dwelling and the positioning of habitable rooms, in particular the ground floor living room would not provide satisfactory accommodation for future occupiers due to insufficient levels of natural light and outlook available to these rooms, leading to a harmful sense of enclosure. As such the proposal is contrary to policy QD27 of the Brighton and Hove Local Plan.
3. The proposed lightwell and Juliet Balcony, to the south eastern corner of the proposed dwelling, would form unsympathetic and non-traditional features that would be readily visible in the streetscene and would dominate views from the south. The proposed dwelling would therefore appear out of keeping with the character and appearance of the streetscene and the surrounding Conservation Area. As such the proposal is therefore contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan.

The decision was appealed. The appeal was dismissed - the reasons were as follows:

Whilst the proposal would not harm the living conditions of the occupiers of the ground floor and basement flats at 45 Brunswick Place, with regard to sunlight and daylight, the harm that it would cause to their living conditions, with regard to outlook, is a compelling objection to the scheme. For the reasons given above and having regard to all other matters raised, the appeal fails.

BH2014/02267_Land to Rear of 31 & 33 Brunswick Place Demolition of existing garages and erection of 2no two storey houses. Approved 17/10/2014.

In addition, there is the following planning history in the locality -

BH2013/03019_Garage South of 30 Farm Road Hove Erection of one bedroom house to replace existing garage. Approved 27/11/2013.

BH2007/02505 Rear of 41 Brunswick Place Demolition of two single storey garages & erection of a two storey two bed roomed dwelling house. Non-determination appeal dismissed 18/09/2008. The Inspector concluded 'The proposal would fail to preserve or enhance the appearance or character of the CA and, although it would not result in noise disturbance or loss of privacy to occupants of nearby properties, it would cause a significant erosion of other aspect of their living conditions'.

BH2004/01142/FP_Land to Rear of 25 Brunswick Place Demolition of existing garage and erection of 1 No. 2 bedroom 2 storey dwelling house. Approved 08/09/2004.

BH2002/00307/FP 50 Farm Road and garages to the South Conversion of fish depot and garages to 1 No. 3 bed house & 2 No. 1 bed houses. Approved 16/07/2002.

4. REPRESENTATIONS

4.1 Six letters have been received objecting to the proposed development for the following material reasons:

- Privacy
- Impact of sunlight and daylight
- Ownership issues / title deeds

4.2 It is noted some of the representation raised private issues (ownership / title deeds) which are not material to the application and as such do not form part of the assessment of the application.

4.3 Councillor Ollie Sykes commented on the application, a copy of the letter is attached.

5. CONSULTATIONS

5.1 **Environmental Health:** No response received

5.2 **Heritage:** There are no objections subject to conditions in relation to large scale joinery details for the proposed windows and doors, the sections through the windows should include the masonry and the door should be painted and not stained.

5.3 **Sustainable Transport:** No objection subject to standard conditions and informatives in relation to the dropped kerb, reinstatement of vehicle crossing and car free housing

6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report

6.2 The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove Local Plan 2005 (retained policies March 2016);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- 6.3 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP15 Heritage
- CP19 Housing mix

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

- TR7 Safe Development
- TR14 Cycle access and parking
- SU9 Pollution and nuisance control
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE1 Listed buildings
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development; the standard of accommodation; impact on amenity; the design and appearance / impact on Conservation Area and sustainable transport considerations.

8.2 **Principle of Development :**

The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a

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

8.3 Due to the location of the building in an area which is primarily residential, the basic principle of the residential dwellings is considered acceptable and would go a small way in contributing to the City's housing targets. The residential use would not conflict with the established residential character of the area.

8.4 **Design and Appearance / Impact on Conservation Area and Listed Buildings:**

The design has taken influence from the existing buildings and recent approvals in terms of scale and form. Overall it is considered that building would sit comfortably in the locality and would not have a negative impact on the Conservation Area. Suitable conditions would be attached to ensure a suitable render and windows, thus protecting the Conservation Area. There would not be a negative impact on any Listed Buildings in the immediate area.

8.5 The replacement of the garage would have a positive impact on the visual amenity of the area and would relate to the emerging character of the east side of the street.

8.6 **Standard of Accommodation:**

The Council does not at present have adopted space standards and does not seek to enforce the Government's Nationally Described Space Standards. Nevertheless, the Government's specified standards provide a useful point of reference.

8.7 For a 2 bedroom unit, (3 persons, 2 storey) a dwelling, the standards indicate a 70m sq gross floor area. It is assumed this will indicate an acceptable standard for new build development. One double bedroom (11.5 m sq) and one single bedroom (7.5 m sq) are also required by the standards.

8.8 In this instance the unit fall shorts short of 70m sq gross floor area by 2.5 m sq. This is not a significant shortfall however the internal layout must be given further consideration in order to ensure adequate amenity is provided for the future occupiers.

8.9 The layout of the unit would be practical and benefits from full ceiling heights on the first floor. There is a reasonable level of amenity provision through kitchen and living room on the ground floor. There would also be reasonable levels of outlook and daylight.

8.10 A single bedroom minimum standard is 7.5m sq, with a double being 11.5m sq. In this instance the bedrooms are 9.25m sq and 10.3m sq - therefore both could be considered 'large singles' / small doubles'. Normally for a 2 bed unit one double room is required - the internal layout could easily be arrange to provide one double and one single as per the 7.5m sq and 11.5m sq standard if necessary however in this instance this is not being insisted upon.

- 8.11 Policy HO5 requires the provision of private outdoor amenity space for residential development. The policy states that planning authority will require the provision of private useable amenity space in new residential development where 'appropriate to the scale and character of the development'.
- 8.12 There would be a limited courtyard area to the rear. Considering the scale and character of the proposal, and considering numerous other examples in the locality with no or limited amenity space, in this instance the lack of amenity space is accepted.
- 8.13 In conclusion the standard of accommodation is acceptable and therefore the proposal complies with QD27 of the Brighton & Hove Local Plan.
- 8.14 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.15 Prominence / Overbearing / Sense of enclosure
The building has been designed to pull the bulk away from the rear boundary, with a small rear courtyard to minimise the sense of enclosure. The garden behind the proposal is in a slightly elevated position relative to the existing garage and therefore cutting in would further diminish the height of the rear elevation.
- 8.16 It is accepted there may be a modest increased sense of enclosure to the adjacent rear garden at number 43 however on balance, this is not significant enough to justify a refusal of the application.
- 8.17 In order to demonstrate there would not be a significant impact on the neighbouring property, the agent has provided a survey drawing applying the '25 degree rule'. This is a standard test applied where there is a window opposite the development or extension. The centre of the lowest habitable room window should be used as the reference point for the test. If the whole of the proposed development falls beneath a line drawn at 25 degree from the horizontal, then there is unlikely to be a substantial effect on daylight and sunlight. If the proposed development goes above the 25 degree line, it does not automatically follow that daylight and sunlight levels will be below standard. However, it does mean that further checks on daylight and sunlight will normally be required.
- 8.18 The agent has provided a survey drawing showing the 25 degree line in relation to the rear property directly behind the site (No.43). In this instance, the proposed development falls beneath the 25 degree line and as such it is unlikely that there will be a detrimental impact on daylight or sunlight to the rear room of No.43.
- 8.19 The flats at number 43 would be most directly impacted by the development. On the basis the impact would not be substantial, it is not likely there would be

notable impact on any of the adjacent properties to the north or south – or the upper floors of no.43.

- 8.20 It is noted there would be a reasonable distance of 8.5m and 14m from the boundary to the rear walls of number 43. Similar distances have previously been accepted in the locality (BH2014/02267 Land to Rear of 31 & 33 Brunswick Place). A separation distance of 5m was not accepted on the site to the north BH2015/03232 Demolition of garages and erection of 1no two bedroom dwelling due to its overbearing impact - this was upheld at appeal. The current application however is more comparable to BH2014/02267.
- 8.21 One objection letter raises the issue of impact on direct sunlight. Due to the existing development on the west side of the street, it is not likely this development would notably exacerbate the existing situation, and that the evening sun would likely be obscured by the building on the west of the street as opposed to the proposed development.
- 8.22 Privacy
Due to the location and type of windows there would not be any overlooking issues. The agent has offered to install obscured glazing however due to the limited concerns, this is not considered to be required.
- 8.23 **Sustainable Transport:**
There are no objections subject to conditions and informatives in relation to the dropped kerb, reinstatement of vehicle crossing and car free housing
- 8.24 **Sustainability:**
Policy CP8 of the City Plan Part One requires new-build residential development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. Conditions are applied to ensure the property meets the above standards.
- 8.25 **Other issues:**
Non material issues were raised over land ownership title deeds. For clarification these are not material to the application.

9. EQUALITIES

- 9.1 None identified.