

<u>No:</u>	BH2018/01687	<u>Ward:</u>	Brunswick And Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garage North East Of 28 Holland Mews Hove		
<u>Proposal:</u>	Demolition of exiting garage and erection of 1no two bedroom dwelling.		
<u>Officer:</u>	Michael Tucker,	tel:	<u>Valid Date:</u> 29.05.2018
	292359		
<u>Con Area:</u>		<u>Expiry Date:</u>	24.07.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Nigel McMillan 7 Queen Square Brighton BN1 3FD		
<u>Applicant:</u>	Mr John Marlow C/o Lewis McMillan 7 Queen Square Brighton BN1 3FD		

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
Existing Floor Plans and Elevations	17-123-01		29 May 2018
Floor plans and elevations proposed	17-123-02		29 May 2018

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
3. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - details of the proposed windows and doors

e) samples 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/HE6 of the Brighton & Hove Local Plan and CP12/CP15 of the Brighton & Hove City Plan Part One.

4. No development above ground floor slab shall take place until full details of all new sliding sash windows and doors and their reveals and cills 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. The windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details and 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.
5. No extension, enlargement, alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14, HE6 and QD27 of the Brighton & Hove Local Plan and CP15 of the Brighton & Hove City Plan Part One.
6. The development hereby permitted shall not be occupied until the dwelling(s) hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement 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.
7. No drainage or ventilation systems shall be fixed to the front elevation without prior consent in writing from the Local Planning Authority.
Reason: To ensure the satisfactory appearance of the development and to comply with policy HE6 of the Brighton & Hove Local Plan and CP15 of the City Plan Part One
8. The residential unit hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the Brighton & Hove City Plan Part One.

9. The residential units hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

10. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

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 accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
3. The water efficiency standard required under condition 9 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.

2. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a single storey garage in a predominantly residential street within the Brunswick Town Conservation Area. Although the building is not listed in its own right, it lies to the rear of 29 Lansdowne Place (listed grade II).

- 2.2 This application seeks planning permission for the demolition of the existing garage, and the erection of a two-bedroom, three-storey dwelling with two rear dormers in the loft space. Although the roof space is shown as being for storage it is reasonable to assume that the addition of two rear dormers would enable its use as an additional bedroom, resulting in a proposed three-bedroom dwelling.

3. RELEVANT HISTORY

BH2018/00163 - Application for Approval of Details Reserved by Condition 8 (i, a) of application BH2016/02493. **Approved** 21/05/2018

BH2017/03677 - Demolition of existing garage and erection of 1no three bedroom cottage. **Refused** 04/01/2018 for the following reasons:

- The proposed dormer, by reason of its excessive width, positioning and overall appearance, represents a visually dominant feature to the roof of the building, to the detriment of the character and appearance of the proposed building and wider conservation area, contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan.
- The proposed fenestration on the front elevation, due to the window size, proportions and horizontal emphasis, would form inappropriate features that would be out of keeping with the surrounding character. The proposal would therefore significantly harm the character and appearance of the proposed dwelling, the streetscene and the surrounding conservation area, contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and policies QD14 and HE6 of the Brighton and Hove Local Plan.

BH2016/02493 - Demolition of garage and erection of 1no dwelling (C3). **Approved** 30/08/2016.

BH2015/02806 - Demolition of garage and erection of 1no dwelling (C3). **Refused** 08/10/2015.

4. REPRESENTATIONS

- 4.1 One (1) letter has been received, supporting the application for the following reason:

- the existing garage is not in keeping with the mews and requires renovation

5. CONSULTATIONS

5.1 Heritage: No objection

The Heritage Team disagrees with the Heritage Statement submitted with the application which states that that the building 'does not make a positive contribution to the conservation area', however the findings of this research are most useful, and show that the original historic fabric (consistent in date to that of the associated grand house in Lansdowne Place) was lost in the 1920's/30's, and accordingly this affects the historic significance of the garage.

As a result it is considered that the re-development of this site with a 2 storey house is acceptable in principle, and approval was given in 2016 for a 2 bedroom house on this plot.

This application also follows an application for a 3 bedroom house in 2017 (application BH2017/03677) which the Heritage Team was in general support of, however some amendments and further information were required and the application was subsequently refused.

The front elevation has been amended in this application and the proposed windows have been reconfigured appropriately for this historic area.

The proposed rear dormers will not be visible from the public realm however the standards set out in SPD12 for dormer design should be followed to ensure an acceptable impact on the roofscape.

The proposed materials are generally acceptable, although more details and samples will be needed for further approval.

Drainage needs to be detailed; facilities are located at the front however the elevation shows no drainage or vents; it would not be acceptable to clutter the front façade with such items (as has occurred on the building to the north).

5.2 Environmental Health: No comment received.

5.3 Transport Planning: No objection

Recommended approval subject to the securement of satisfactory cycle parking by condition.

5.4 Conservation Advisory Group: Objection

Recommended refusal and refer the application to the Planning Committee.

This original coach house, one of the last in Holland Mews illustrates how these mews once looked. There has been no effort shown of the conversion of this fine example of equestrian architecture.

6. MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density
- CP15 Heritage
- CP16 Open space

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes
- HE3 Development affecting the setting of a listed building
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD09 Architectural Features
- SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the loss of the existing garage, the design of the proposed building and the impact of the proposal on the character and appearance of the Brunswick Town Conservation Area. The impact on neighbouring amenity, the standard of accommodation provided by the proposal and transport and sustainability matters are also material considerations.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually.
- 8.3 The Council's most recent land supply position was published in the 2017 SHLAA Update (February 2018) which showed a marginal surplus (5.0 years

supply). However, the inspector for the recent planning appeal on Land south of Ovingdean Road (APP/Q1445/W/17/3177606) considered that the Council's delivery timescales for two sites were over-optimistic and concluded that there would be a five year supply shortfall of at least 200 dwellings. The Council's five year housing land supply figures are currently being updated as part of the annual monitoring process and an updated five year housing position will be published later this year. In the interim, when considering the planning balance in the determination of planning applications, increased weight should be given to housing delivery in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

8.4 Principle of the Development:

The redevelopment of the site has previously been accepted by the Local Planning Authority when a new dwelling was approved in 2016. There have been no changes in circumstance since that previous approval to indicate that the principle of a dwelling is no longer acceptable.

8.5 Heritage

Although the Heritage Team does not share the opinion of the applicant that the existing building "does not make a positive contribution to the conservation area", the original historic fabric of the building was lost in the 1920s/30s, and the historic significance of the garage is negatively affected by this. Furthermore, planning permission has been granted in the past (BH2016/02493) for the demolition of the existing garage on the site and the erection of a two-storey, two-bedroom dwelling.

8.6 Accordingly, the concerns raised by the Conservation Advisory Group are noted but in this instance it is considered that they do not have a significant bearing on this particular proposal.

8.7 In view of the above the heritage implications in terms of the impact upon the nearby listed building and wider conservation area are considered acceptable.

8.8 Design and Appearance:

Two previous designs have been put forward for a dwelling on the site. The approved proposal under BH2016/02493 established an acceptable design and appearance, while BH2017/03677 proposed an alternative design that was considered to have a negative impact upon the appearance of the building and wider conservation area.

The current scheme is the result of the amendments to the previous application suggested by the Heritage Team, and closely resembles the previous approval on the site. The proposal is therefore considered to be acceptable in principle.

The rear elevation has been significantly altered from previous proposals. The proposed rear dormers would not be visible from the public realm, and are of a significantly smaller scale when compared to the previous refusal. The dormer on the previous scheme was considered inappropriate in size. The revised proposal, lessens the bulk of the additions to the roof slope, mitigating their effect on surrounding properties in the conservation area. The rear

fenestration of the current scheme contains minor alterations to the previously approved dwelling, and these alterations are not considered to cause material harm to the appearance of the dwelling.

It is noted that while the proposed scheme has largely addressed the concerns raised over the previous application, there is the potential for Permitted Development rights to be used to enlarge the dormer windows on the rear roofslope once the dwelling is built. For this reason, and to protect the appearance of the conservation area and the visual impact on neighbouring properties, it is considered appropriate to remove Permitted Development rights for this property.

It is considered that the design of the proposed dwelling has addressed the concerns raised by the previous schemes and the reasons for the refusal. The front elevation has been returned to a design previously identified as acceptable, and the rear dormers have been dramatically reduced in bulk and no longer represents a visually dominant feature to the roof of the building. It is therefore considered that the proposal would not cause significant harm to the character and appearance of the proposed building, the streetscene and the surrounding conservation area.

8.9 Impact on Amenity:

Although this is a constrained plot it is not considered that there are any significant issues relating to neighbouring amenity.

- 8.10 The proposed dwelling is most likely to affect the occupiers of the adjoining properties nos. 31 and 28 Holland Mews and 29 Lansdowne Place.
- 8.11 The proposal would result in the replacement of a single storey building with a two storey building. The additional height of the main building is unlikely to result in any significant harm in terms of loss of light, outlook or an overbearing impact as it would adjoin buildings of a similar height and depth. The single storey rear addition, would be sufficiently screened from the properties to the south by the boundary wall. Given the height of the boundary as well as the fact that the bulk of the dwelling has been set back from the shared boundary, it is considered that the impact would not be significant and would not lead to a loss of amenity.
- 8.12 The first floor rear windows and rear dormers would now provide views into neighbouring properties. It is considered that given the sufficient back to back distance, any views available from these windows would not lead to a significant loss of privacy of neighbouring properties. Mutual overlooking already occurs within the immediate vicinity of the site and some degree of overlooking is to be expected within an urban location.
- 8.13 The proposal is therefore considered not to result in significant harm to the amenity of neighbouring properties.
- 8.14 As noted previously in this report, removing permitted development rights will protect neighbour's amenity/privacy.

8.15 Standard of Accommodation:

The proposed dwelling would provide approximately 81sqm of floorspace on the ground and first floor, and approximately 15sqm in the loft area on the second floor. Despite not being adopted policy, the Government's Nationally Described Space Standards do give a useful indication of the suitability of a dwelling. For the scale of dwelling proposed in this application, a minimum of 90sqm is considered to provide a suitable amount of accommodation. While the steeply sloping roof levels reduces the amount of floorspace with 1.5m or more of headroom in the roofspace to approximately 10sqm, the dwelling still meets the minimum standard.

8.16 Policy HO5 seeks to ensure that all new residential developments provide useable, private amenity space for future occupiers. As part of this proposal a patio and small grassed area would be created at the rear of the property. Although limited in size, it would provide usable and private amenity space and within the context of the surrounding pattern and grain of development would be appropriate.

8.17 Sustainable Transport:

It is not anticipated that the proposed development would lead to a significant Increase in trip generation. The site is well located nearby to sustainable transport connections. One car parking space is provided at the front of the property in a similar arrangement.

8.18 No details of cycle parking are provided as part of the application. The constraints of the site mean there is no reasonable location to provide secure, covered cycle parking without compromising the already limited private amenity space, or the appearance of the street.

8.19 Sustainability:

Policy CP8 of the City Plan Part One requires new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. These standards can be secured by condition, if planning permission is granted.

8.20 Other Considerations:

It is noted that previous statutory consultations raised the possibility of the site being contaminated. As part of application BH2018/00163 (approved 21/05/2018) a desk top study found no concerns of contamination of the site and so a pre-commencement condition such as in the previous approval is not considered to be appropriate in this case.

9. EQUALITIES

9.1 None identified

