

<u>No:</u>	BH2018/03117	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 The Upper Drive Hove BN3 6GR		
<u>Proposal:</u>	First and second floor extensions to enlarge existing first floor flat and create 2no flats at second and third floor level, with associated parking.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	10.10.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	05.12.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	23.01.2019
<u>Agent:</u>	Mrs Sarah Sheath 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	c/o agent		

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
Block Plan Existing	110		10 October 2018
Floor Plans Proposed	111		10 October 2018
Floor Plans Proposed	112		10 October 2018
Floor Plans Proposed	113		10 October 2018
Floor Plans Proposed	114		10 October 2018
Floor Plans Proposed	115		10 October 2018
Elevations Proposed	116		10 October 2018
Elevations Proposed	117		10 October 2018
Elevations Proposed	118		10 October 2018
Elevations Proposed	119		10 October 2018
Roof Plan Proposed	120		10 October 2018
Block Plan Proposed	121		10 October 2018
Streetscene elevation proposed	122		10 October 2018
Location Plan	123		10 October 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. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of 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 QD14 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.
4. The two new windows in the eastern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows 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. Access to the flat roof area to the rear of the third floor roof terrace (indicated on drawing no. 115 received on 10 October 2018) 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.
6. The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the City Plan Part One.
7. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been 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
8. None of the new residential units 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.
9. None of the new 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.
10. Prior to first occupation of the development hereby permitted, pedestrian crossing improvements (dropped kerbs with paving and tactile paving if

appropriate) shall have been installed at the junction of and across Caisters Close with The Upper Drive.

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

11. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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.

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 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.
4. The applicant is advised to contact the Council's Streetworks team (permit.admin@brighton-hove.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 10.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a part two, part three storey block of 4no. two-bed flats and 1no. one-bed flat on the northern side of The Upper Drive. The block is one of 5 similar blocks on a wider site providing a total of 41 flats. The existing blocks vary in height between three and four storeys. The three blocks to the west of the application site are finished in a mix of render and timber cladding.

The application building is finished in mainly painted render with some minor timber clad detailing.

- 2.2 This stretch of The Upper Drive has been developed to the extent that the prevailing character on this section of the northern side is flatted development with fewer traditional dwellinghouses remaining.
- 2.3 The application seeks permission for the creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level, 1 no. one bed flat at second floor level, and 1 no. two-bed flat at third floor level, with off-street car and cycle parking.
- 2.4 The application differs from a recently refused scheme (BH2018/03117) in that the eastern side of the block is proposed as three storeys rather than 4. This leads to smaller proposed units: the 2nd floor apartment (no. 26) is 1 bed instead of 2 bed, and the 3rd floor apartment is 2 bed rather than 3 bed.

3. RELEVANT HISTORY

9 The Upper Drive

BH2017/04139 Creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level and 2no additional flats at second and third floor level. Refused for the following reasons. Appeal pending:

1. The development by reason of its height, bulk, mass and design would appear as an unsightly and out of character addition to the block, which would disrupt negatively with the pattern and form of development and the prevailing character of the streetscene. The extension would therefore represent an inappropriate development that is contrary to policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.
2. The proposed development by reason of its scale and bulk in close proximity to no. 13 The Upper Drive would represent an unneighbourly and overbearing addition. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed roof terrace by reason of its position and height would result in overlooking and loss of privacy to the occupiers of no. 13 The Upper Drive. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

9 and 11 The Upper Drive

BH2004/01708/FP - 41 New residential apartments within 5 blocks with undercroft parking. Approved - 04.04.2005.

BH2003/02082/FP - Demolition of 9 and 11 The Upper Drive and development of 4 blocks of 25 private flats and 1 block providing 16 affordable homes. Single access drive from The Upper Drive and four pedestrian gates. Refused - 13.04.2004

13 The Upper Drive

BH2011/00455 - Application to extend time limit for previous approval
BH2008/00278 - for demolition of existing house and erection of no. 7 self contained flats. Approved - 07.04.2011

BH2008/00278 - Demolition of existing house and erection of no. 7 self contained flats. Approved - 07.05.2008.

15 The Upper Drive

BH2016/01393 - Demolition of existing dwelling and erection of 3no one bedroom flats, 2no two bedroom flats and 1no three bedroom flat (C3). Refused 20.04.2018.

BH2015/03228 - Demolition of existing dwelling and erection of 4no one bedroom flats and 4no two bedroom flats (C3). Refused - 11.11.2015.

4. REPRESENTATIONS

4.1 Six (6) letters has been received objecting to the proposed development. The main grounds for objection are as follows:

- Height
- Overdevelopment of site
- Scale and bulk
- Overlooking and loss of privacy
- Loss of light
- Overshadowing
- Increased traffic
- Increased noise
- Building work noise, dust, pollution detrimental to health
- Impact on property values
- Set a precedent for further development
- Restriction of view
- Too close to boundary.

5. CONSULTATIONS

5.1 Sustainable Transport: No objection subject to conditions re cycle parking and provision of dropped kerbs and tactile paving across Caister's Close at its junction with The Upper Drive

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

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);

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

7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP1 Housing delivery
CP8 Sustainable buildings
CP9 Sustainable transport
CP12 Urban design
CP14 Housing density
CP19 Housing mix

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

TR7 Safe Development
TR11 Safe routes to school and school safety zones
TR12 Helping the independent movement of children
TR14 Cycle access and parking
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD5 Design - street frontages
QD14 Extensions and alterations
QD15 Landscape design
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste
SPD12 Design Guide for Extensions and Alterations
SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact of the development on the character and appearance of the existing

building, site and streetscene, the impact on residential amenity, the standard of accommodation provided and highways and sustainability issues.

8.2 Matters relating to the impact on property values, potential inconvenience to nearby residents during the build and restriction of view are not material planning considerations.

8.3 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 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 in due course.. 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 Design and Appearance:

The proposed new units would be sited on Block D to the far east of the wider site; this block is currently lower in height than the two neighbouring blocks to the west. The reason for this part of the building being lower was due to potential concerns regarding neighbouring amenity rather than there being an objection to the visual amenity of the street of there being a taller building.

8.5 The proposed extensions to accommodate the additional two units would result in a block which would now be almost identical in terms of scale and appearance to the adjoining blocks to the west. Given the distances between the application site and its neighbours, it is considered that the increased height of the block would not appear out of context with the neighbouring properties or within the prevailing streetscene. It is noted that in recent years this stretch of the Upper Drive has been developed to such an extent that most of the properties on this section of the northern side are flatted development with fewer traditional dwellinghouses remaining.

8.6 The proposed works would match the design and appearance of Block D and a condition is recommended to ensure that the proposed materials match the existing property.

8.7 Accordingly, it is considered that the works are appropriate in terms of the impact upon the host building and the wider streetscene.

8.8 Standard of accommodation:

Policy QD27 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF (para 17). The Council does not at present have an adopted policy to require minimum unit sizes. Government has however published room and unit sizes which they consider to represent the minimum acceptable size for rooms and units, in the form of their 'Technical housing standards - nationally described space standard', March 2015.

- 8.9 These standards clearly provide a useful and highly relevant reference point in assessing standard of accommodation in new residential units. Rooms and units which would provide cramped accommodation and sub-standard levels of amenity often fall below the minimum acceptable sizes set out by Government.
- 8.10 Apartment no. 23 on the first floor would be extended from a one-bed to a two-bed flat. As a point of reference, Government's minimum size for a two-bedroom four-person unit is 70m² and the proposed unit would measure 84m², well in excess of this standard.
- 8.11 The proposed one-bed Apartment 26 on the second floor would measure 64m² and the proposed two bed Apartment 27 on the third floor would measure 89m². Again the size of these units would be well in excess of Government's minimum size for a one-bedroom two-person unit of 50m² and for two-bedroom four-person unit of 70m². The individual bedrooms all meet the government's minimum standards too.
- 8.12 All three units would benefit from a good standard of light and circulation space and all have provision of private amenity space in the form of a front balcony. Unit 27 additionally has a good size outside terrace area which is considered appropriate for a two bed family unit.
- 8.13 The two new units would use the existing refuse/ recycling storage area which is located in adjacent Block C.
- 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 Impact on no. 13 The Upper Drive
The property most likely to be affected by the development is no. 13 The Upper Drive to the east, a two storey traditional dwellinghouse. It is noted that this property has a glazed conservatory room to the rear. This room is used as a therapy room for the objector's adult son who has special needs. It was noted on site that the blinds to the western side elevation of the conservatory are in place and can be drawn.
- 8.15.1 It is acknowledged that the original approved design took account of the relationship with no. 13 and, at that time, a cautious approach was taken with

regard to the height of the block, by virtue of the potential loss of amenity to the neighbouring property.

8.15.2 With the benefit of the development now being in situ, the relationship with this neighbour and the height of the proposed development has been re-evaluated as outlined below.

8.15.3 Privacy and overlooking

As verified on site, there are two small windows to the eastern side of the existing development; these are secondary windows that serve the kitchen areas of open plan living space, and give only the most oblique views into the side of the neighbouring conservatory. No conditions relating to obscure glazing were deemed necessary to the original permission.

8.15.4 Two additional windows are proposed to the eastern elevation; serving a bathroom at first floor level and a corridor at second floor level. The previously refused application proposed three windows to the eastern elevation. It is considered that again this would only give very oblique views into the side windows of the conservatory. However it is understood that there could certainly be a perception of increased overlooking; therefore it is proposed that they should be obscure glazed, which can be secured by condition.

8.15.5 Two additional window are proposed to the rear. A second floor window with Juliet balcony and a door at roof level have been deleted from the previously refused scheme. The proposed additional windows to the rear would provide similar views of the garden at no. 13 as the existing windows. It is also noted that there is dense high level foliage in place between the properties, which is under the control of no.13, which would help to mitigate any increased overlooking.

8.15.6 A roof terrace is proposed to the third floor flat. Previously it was considered by committee that the roof terrace by reason of its position and height would result in overlooking and loss of privacy to the occupiers of no. 13 The Upper Drive. The terrace has been pulled in 0.5 metres from the rear and therefore is slightly smaller (41m² as apposed to 43m² previously) in area. Additionally the proposed door that lead to the rear section has been removed, restricting any access to the flat roof at the rear. Therefore the usable space of the terrace is solely to the front of the building. The access can be secured by condition.

8.15.7 An etched glass 1.75 metre height privacy screen is proposed to the side and rear of the terrace. This would protect the occupants of no. 13 from significant overlooking. Given the siting of the proposed terrace, it is not considered that there would be significant overlooking of the garden of no. 13. Additionally given its height, there would be no adverse overlooking of the side windows of the conservatory at no. 13, or significant noise and disturbance issues.

8.15.8 It is considered that, on balance, given the removal of windows to the eastern side elevation and a Juliet balcony to the rear elevation, and the restriction of the terrace to the front of the building, the scheme is acceptable with regard to the impact of no. 13.

8.15.9 Light

From the officer site visit, it was noted that there were good levels of daylight to the neighbouring property. The room to the west is a conservatory and has full height glazing on three elevations. Even with the blinds drawn, the room has plenty of light coming in from the north aspect overlooking the garden. It is considered that there would be no significant impact on light from the additional storey.

8.15.10 There are no further windows to the side of no. 13 that would be affected by loss of light from the increased height of the structure

8.16 Other neighbouring properties

There is no significant impact on other neighbours from the proposed scale and massing of the development. The neighbours at the rear in Old Shoreham Road are some distance away and are heavily screened from the site by evergreen trees. It is noted that residents in Wilbury Villas to the south have rear gardens that face the development site. Whilst the development's front windows and outside amenity space would provide marginally enhanced views of these rear gardens, given the distances involved and the existing level of mutual overlooking in the area, this is not considered to warrant refusal of the application.

8.17 There is not considered to be a significant impact on the existing flats in the block or the wider site. The development in general, including the proposed windows to the western elevation, is a sufficient distance from the nearest windows in the adjoining block to limit undue harm. The potential noise and disturbance created by two additional units is not considered to be unacceptable, subject to submission of a soundproofing scheme which can be secured by condition.

8.18 Sustainable Transport:

It is proposed to provide 2 no. dedicated off street parking spaces which are currently unallocated within the wider site; this is acceptable. The site is not within a controlled parking zone however the proposal would limit undue on-street parking pressure from additional resident parking.

8.18.1 Cycle parking would be provided in the existing secure cycle store within the block. The Highway Authority notes that there is an adequate amount of existing cycle parking provision to accommodate for the proposed units and therefore further details are not required. Butterfly parking is not acceptable usually being less secure than Sheffield type stands but in this instance the Highway Authority deems it would be unreasonable to pursue amendments to the design.

8.19 Due to the residential nature of the development and its likely associated trips, the Highway Authority recommends that a condition is attached to require dropped kerbs and tactile paving across Caister's Close at its junction with The Upper Drive to be implemented. These improvements to the pedestrian route will enable wheel chair users, those who are mobility impaired and assist all pedestrians (in particular those with buggies) to access nearby amenities including Hove Railway Station and the no.21/21A bus route on The Drive.

8.19.1 The additional traffic associated with this proposal is unlikely to have a significant impact on the surrounding highway network. Parking is proposed on site therefore overspill onto the highway is unlikely to have a significant impact.

8.19.2 The Highway Authority has referred to the provision of disabled parking, however this cannot be insisted upon on a development of this size.

8.20 Sustainability:

Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition.

8.21 Conclusion:

Given the prevailing character of the streetscene on this stretch of The Upper Drive, it is considered that the development would not appear out of character with the surroundings. It is acknowledged that the original approved design was mindful of the relationship with the adjacent property to the east, no. 13 The Upper Drive. However, given that the approved scheme has now been built and can be viewed in situ, it is considered that the proposed extension would not have an overbearing impact on its neighbour and has been carefully designed to take account of overlooking and loss of privacy issues.

8.21.1 Subject to conditions it is considered that the development has overcome the previous reasons for refusal and is appropriate in terms of design, scale and impact on amenity, and would provide two new dwellings for the City, of an acceptable size and standard.

9. EQUALITIES

9.1 It is noted that an occupant of an adjacent property has special needs and this is taken account of in the consideration of the application.

9.2 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. Step-free access to the extension is not achievable due to the proposed units being on upper floors.

