

<u>No:</u>	BH2018/01172	<u>Ward:</u>	Patcham Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	31 Ridgeside Avenue Brighton BN1 8WD		
<u>Proposal:</u>	Erection of 1no three bedroom detached house.		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	13.04.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08.06.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	15.03.2019
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr & Mrs J and V Figg 31 Ridgeside Avenue Brighton BN1 8WD		

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	-	-	13 April 2018
Proposed Drawing	84915/101	A	14 February 2019
Proposed Drawing	84915/102	A	14 February 2019
Proposed Drawing	84915/103	-	14 February 2019
Proposed Drawing	84915/100 (streetscene)	B	14 February 2019

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

- c) samples of all hard surfacing materials
- d) 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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development, shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
5. Prior to the demolition of the garage hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, no. 31 Ridgeside Avenue, 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.
6. The relocated crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One.
7. 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.
8. The new residential unit hereby approved shall not 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 Brighton & Hove City Plan Part One.

9. The new residential unit hereby approved shall not 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 Brighton & Hove City Plan Part One.

10. The windows in the dormer window to the rear elevation of the development 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.

11. The boundary fence to the east side elevation of the site as shown on plan no. 84915/100 shall measure 2m in height.
Reason: To safeguard the privacy of the occupiers of the property and adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

12. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse 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 and QD27 of the Brighton & Hove Local Plan.

13. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policy QD27 of the Brighton and Hove Local Plan 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. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required by law to be constructed under licence from the Highway Authority. The applicant must contact the Council's Streetworks team (permit.admin@brighton-hove.gov.uk 01273 290729) prior to any works commencing on the public highway.
3. In order to be in line with Policy TR14 Cycle Access and Parking of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient (including not being blocked in a garage for cars and not being at the far end of a rear garden), accessible, well lit, well signed, near the main entrance, by a footpath/hardstanding/driveway and wherever practical, sheltered. It should also be noted that the Highway Authority would not approve vertical hanging racks as they are difficult for many people to use and therefore not considered to be policy and Equality Act 2010 compliant. Also, the Highway Authority approves of the use of covered, illuminated, secure 'Sheffield' type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22 or will consider other proprietary forms of covered, illuminated, secure cycle storage including cycle stores, "bunkers" and two-tier systems where appropriate.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site relates to the garden space of 31 Ridgeside Avenue, a detached bungalow located on the north side of Ridgeside Avenue. No. 31 Ridgeside Avenue is located on the corner of Ridgeside Avenue and Old Mill Close, with the plot of land to the west side of this property.
- 2.2. To the north of the site lies the rear garden of 33 Mill Close and to the west of the site the front and rear garden of 29 Ridgeside Avenue; both are 2 storey dwellings. The front of the site is currently bordered by high hedging.
- 2.3. Planning permission is sought for the erection of 1 no three bedroom detached dwelling (C3). In order to accommodate the new dwelling on the site the side garage to the existing property no. 31 Ridgeside Avenue on the site is proposed to be demolished.
- 2.4. During the course of the application the scheme has been amended which includes a reduced height and footprint of the proposed dwelling.

3. RELEVANT HISTORY

- 3.1. 65/29A- Outline planning application to form building plot on the side of the existing dwelling. Approved 27.07.1965.

4. REPRESENTATIONS

- 4.1. **Thirteen (13)** letters of representation have been received objecting to the application for the following reasons:

- Overdevelopment
- Appearance, size, height and location of the new building inappropriate
- Affect the streetscene
- Result in overshadowing and loss of light
- Result in overshadowing and loss of privacy
- Noise impact
- Traffic/ parking impact
- Loss and lack of garden space
- Loss of garage to no. 31 affect appearance of property
- Inadequate provision for parking
- Too close to boundary
- Restriction of view

- 4.2. **Four (4)** letters of representation have been received in support of the application for the following reasons:

- The building is suitably sized for the area
- A good design
- No loss of privacy
- Safe access
- A new dwelling needed

- 4.3. **One (1)** letter of representation has been received commenting that:

- The house should be the same height as the existing house.
- Cause traffic, noise and disruption

5. CONSULTATIONS

- 5.1. **Transport:** No Objection

Subject to the inclusion of the necessary conditions on any permission granted.

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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
QD5	Design - street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

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 principle of the development on site, the design of the new dwelling and its

impact on the character and appearance of the streetscene and wider area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.

- 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 housing land supply position is published in the SHLAA Update 2018 (February 2019). However, the figures presented in the SHLAA are subject to the results of the Government's Housing Delivery Test which has not yet been published. The SHLAA shows a marginal five year housing surplus (5.1 years supply) if a 5% buffer is applied. However, the NPPF indicates that if the Housing Delivery Test shows that delivery over the past three years (2015-2018) has been under 85% of the adjusted City Plan housing requirement, then a 20% buffer should be applied to the five year supply figures. This would result in a five year housing shortfall (4.5 years supply).
- 8.4. The council's own informal assessment is that housing delivery over the 2015-2018 period has been less than 80% of the required City Plan figure. Therefore, for planning policy purposes, it should be assumed that the council cannot demonstrate a five year housing land supply. In that situation, 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).
- 8.5. Principle of Development :**

The site is located within the Built-Up Area as defined in City Plan Part One and currently consists of a detached bungalow located on the corner of Ridgeside Avenue and Old Mill Close. The development proposes the creation of a new plot, formed from land within the side and rear garden space of 31 Ridgeside Avenue.
- 8.6. Guidance contained within the NPPF defines residential garden sites such as greenfield land rather than previously developed brownfield land. Whilst the NPPF does not preclude development on greenfield sites, this definition places the onus on Local Planning Authorities to determine whether the development of such sites would be harmful to the character of an area, and to determine planning applications for new development accordingly.
- 8.7. The proposed plot size of the new dwelling would measure approximately 300m², with no. 31 Ridgeside Avenue measuring approximately 350m². These are generally smaller in size to the immediate surrounding development and would contrast with the size and shape of the plot size of no. 29 to the west of the site, measuring approximately 520m².
- 8.8. However, there is a variety of plot sizes and shapes within the surrounding area. The properties to the north and south are predominantly detached

dwelling set in deep plots with large gardens. The properties further to the south of the site of Overhill Gardens are set in more modest plot sizes. The wider area has a variety of plot sizes and shape.

8.9. The site appears to be suitable for development, with the dwelling sited appropriately between 29 and 31 Ridgeside Avenue and the plot of land large enough to accommodate a new dwelling. The new dwelling would also make a modest contribution to the housing demand and make a more efficient and effective use of the site.

8.10. Overall, the subdivision of the plot is considered acceptable in principle.

8.11. Design and Character:

The NPPF states that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings.

8.12. The new dwelling would be single storey with roof accommodation in the form of front and rear dormers with rooflights and constructed in render with a tiled roof and would replicate the features prevalent within the surrounding area. The style and palette of materials would be in keeping with the locality. The barn hipped roof style is appropriate given the variety of roof forms within the area. Following amendments, the ridge height of the dwelling would sit below that of the immediate surrounding 2 storey dwellings, no's 29 Ridgeside Avenue to the west and 31 Mill Close to the north and would be comparable to no. 31 Ridgeside Avenue to the east. The dwelling would be set back approximately 4m from the Ridgeside Avenue frontage which would be comparable to no. 31 and in line with the detached garage of no. 29 to the west. The height, footprint and building line of the new dwelling would sit appropriately within its surroundings, where there is a variety of heights, orientation and building lines given the curvature of the road and differing land levels within the area.

8.13. There is no objection to the demolition of the side garage to the existing property of no. 31 Ridgeside Avenue. Whilst acknowledged that the side garage does provide for an aesthetic addition to the property its removal would not appreciably harm the appearance of the property to a significant degree.

8.14. Standard of Accommodation:

The new dwelling would have a gross internal floor space of approximately 118sqm which is in accordance with the governments Technical Housing Standards- Nationally described space standards which states that a 6 person, 3 bedroom, 2 storey property should have a minimum gross internal floor area of 102sqm. The bedrooms would meet the minimum national space standards for double bedrooms.

8.15. It is noted that the council has not adopted these sizes locally but as a comparable indicator of acceptable space standards, the unit would meet these standards and is an indication that the accommodation proposed is an acceptable size.

- 8.16. At ground floor level the kitchen, living and dining area would contain window openings which would be sufficient to provide light and outlook. All three bedrooms at ground and first floor levels would contain large windows to serve the rooms.
- 8.17. Policy HO5 requires the provision of private useable amenity space in new residential development, appropriate to the scale and character of the development. The rear garden proposed is considered sufficient for the proposed number of occupants of the dwelling. The new dwelling would consume a vast amount of rear garden amenity space for no. 31 Ridgeside Avenue, leaving this property with a small garden space to the rear and the existing front garden space. Given the small rear garden, future occupiers would likely use the front garden space as their main garden space, which without boundary treatment would not be private space. However, corner plot locations do generally have large front garden spaces, usually with low boundary treatment, which is expected of a corner plot dwelling. The existing dwelling would have use of a small rear garden space and the use of an open front garden, whilst not private, would not be so detrimental as to warrant refusal of the application, given the context of the site.
- 8.18. Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. 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 (new-build) dwelling appears to be achievable; therefore conditions will be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations
- 8.19. Impact on neighbouring 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.
- 8.20. Given the existing residential character of the property and surrounding area, it is not considered in principle that the provision of an additional residential unit would have a significant adverse impact upon the amenities of neighbouring properties.
- 8.21. The proposed dwelling would sit approximately 2.5m from the adjacent dwelling to the east no. 31 Ridgeside Avenue. This property features a window opening on the south west side elevation facing the new dwelling which currently serves the garage. This garage would be removed as part of the current application. If a window opening was introduced, this window would suffer loss of outlook and light from the boundary fence in close proximity. However, this window would be a secondary window which serves a lounge, of which an adequate amount of light and outlook is gained from the large front facing window. Given the

orientation of the property the rear windows would not be impacted by the development in terms of overshadowing, loss of light or loss of privacy.

8.22. The dwelling would be sited approximately 13m from no. 29 to the west and 15m from no. 31 Mill Close to the north. These distances would be sufficient to ensure that the development would not impact these properties in terms of overshadowing, loss of light or loss of outlook. The dwelling would be in close proximity to the garden space of no. 29 to the west, however the dwelling would be sited adjacent a detached single storey garage and no.29 would have access to a large garden space. It is therefore not considered that the proposed dwelling would have an adverse impact on the garden space of this property in terms of overshadowing, an oppressive impact, or result in harm to the outlook from the garden.

8.23. There are no window openings proposed to the first floor side elevations. The first floor rear dormer window serving a bathroom is proposed to be obscure glazed which will be secured via condition. Views afforded from the rear rooflights would not be obtrusive given their positioning. The ground floor fenestration to the side and rear elevation would face adequate boundary treatments which would ensure no loss of privacy would result. A condition will be attached to ensure the new boundary fence to separate the new dwelling and no. 31 is 2m high to protect neighbouring amenity.

8.24. Sustainability:

City Plan Part One policy CP8 requires new residential development demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore a condition can be applied to ensure the development meets the standards set out in policy CP8.

8.25. Transport :

The proposed development would result in an increase in trip generation, however this is unlikely to have a significant impact on the highway network.

8.26. The existing vehicular access on Ridgeway Avenue is proposed to be slightly amended to allow access for the new dwelling's proposed parking space. A condition can be attached to ensure the crossover is constructed prior to first occupation of the development.

8.27. The likely increase in parking demand caused by the proposal would not be enough to recommend refusal of the application. The site is not in a Controlled Parking Zone and the level of increased parking demand not significant. Off street parking is proposed in the form of 1 car parking space, in line with the maximum standards

8.28. No cycle parking is proposed for the new dwelling and the loss of the garage to the existing dwelling would mean that adequate cycle store provision would be lost. A condition can be attached requiring details of cycle storage for both dwellings.

8.29. The loss of the garage to the existing dwelling is acceptable as parking could be accommodated on the drive.

8.30. **Other matters :**

Objectors have raised concern highlighting that the block plan is incorrect in so far as the properties within the area are not detailed correctly, that the photographs within the Planning Statement do not show a true representation of the area and incorrect existing boundary treatment shown on the plans. Whilst noted, a site visit has been undertaken and these identified issues have not affected a full assessment of the application by the Local Planning Authority.

9. EQUALITIES

9.1. Policy HO13 seeks access standards above normal Building Regulations. Conditions are attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

