

<u>No:</u>	BH2020/00727	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Hove Manor Hove Street Hove BN3 2DF		
<u>Proposal:</u>	Erection of a single storey extension at roof level to create 2no two bedroom dwellings & 1no three bedroom dwelling (C3) with front terraces.		
<u>Officer:</u>	Michael Tucker, 292359	tel: <u>Valid Date:</u>	04.03.2020
<u>Con Area:</u>	Old Hove	<u>Expiry Date:</u>	29.04.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mohsin Cooper Limited 16 West Barnes Lane Raynes Park SW20 0BU		
<u>Applicant:</u>	Rimex Investments Limited New Burlington House 1075 Finchley Road London NW11 0PU		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to GRANT planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Drawing	0222-P036	-	4 March 2020
Proposed Drawing	0222-P037	-	4 March 2020
Proposed Drawing	0222-P038	-	4 March 2020
Location and block plan	0222-P-001	-	4 March 2020
Proposed Drawing	0222-P-020	A	9 June 2020
Proposed Drawing	0222-P-021	-	4 March 2020
Proposed Drawing	0222-P-023	-	4 March 2020
Proposed Drawing	0222-P-022	-	4 March 2020
Proposed Drawing	0222-P-024	-	4 March 2020
Proposed Drawing	0222-P-025	A	9 June 2020
Proposed Drawing	0222-P-026	-	4 March 2020
Proposed Drawing	0222-P030	-	4 March 2020
Proposed Drawing	0222-P031	-	4 March 2020
Proposed Drawing	0222-P032	-	4 March 2020
Proposed Drawing	0222-P033	-	4 March 2020
Proposed Drawing	0222-P034	-	4 March 2020
Proposed Drawing	0222-P035	-	4 March 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall not be commenced until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
 - a) details of all brick and render (including details of the colour of render/paintwork to be used)
 - b) details of the proposed window, door and balcony treatments
 - c) details of all other materials to be used externally
 Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and Policies CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. 4Prior to first occupation of the dwellings hereby permitted details of the proposed privacy screening for the terraces shall have been submitted to and approved in writing by the Local Planning Authority.
Development shall be carried out in accordance with the approved details and retained as such thereafter.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton & Hove Local Plan.

5. 5 Prior to first occupation of the development hereby permitted a scheme for the soundproofing of the building between the lift shafts and the new residential units shall be submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be implemented in strict accordance with the approved details within 3 months of the date of approval and shall be retained as such thereafter.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

6. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

7. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the residents of the new development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to resident's on-street parking permits.
Reason: This 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.
8. The development hereby permitted shall not be occupied until a car park management plan has been submitted to and approved in writing by the Local Planning Authority, detailing that the residents of the new development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to on-site resident's parking permits. The car park management plan shall thereafter be fully implemented in accordance with the approved details.
Reason: 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.
9. Access to the roof of the existing block shall be limited to those areas marked as terrace on the approved drawings. Those areas marked as 'maintenance access only 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.
10. 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 Brighton & Hove City Plan Part One.
11. None of the residential units hereby approved shall be occupied until each residential unit built 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.
12. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

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

13. 13 Six (6) swift bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter.

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

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. The applicant is advised that the scheme required to be submitted by the above condition 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.
3. 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.
4. The water efficiency standard required by the above condition 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.
5. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
6. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height above 5m height, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application relates to a large, six-storey flat-roofed block of flats with commercial uses at ground floor on the eastern side of Hove Street. The site is in the Old Hove Conservation Area and overlooks the Pembroke and Princes Conservation Area, both of which predominantly comprise late 19th century two storey housing, although other mid-rise blocks are peppered within these areas, along with surviving earlier origins of this part of Hove.
- 2.2. The properties to the immediate north, Regent House and Audley House, are included on the Council's list of Local Heritage Assets, as is the flint wall forming the southern boundary to this site (remnants of the garden wall to the former Hove Manor that occupied this site), and the more distant No3, Hove Street. Slightly further away are Barford Court at 157 Kingsway and Hove Library on Church Road which are listed Grade II.
- 2.3. Due to its height and footprint, this property is already a dominant element of the streetscene and can be seen in views from neighbouring streets; however the use of red brick provides an element of association with its setting.
- 2.4. Planning permission is sought for the erection of a single-storey extension at roof level to create 2no. two-bedroom flats (C3) and 1no. three-bedroom flat (C3), each with front terraces. The extension would replace existing single-storey rooftop structures including the central caretaker's flat.

3. RELEVANT HISTORY

- 3.1. **BH2018/02786** - Erection of a single storey extension at roof level to create 2no three bedroom dwellings & 1no two bedroom dwelling (C3) with external terraces. Refused, appeal dismissed
- 3.2. **PRE2018/00148** - Erection of additional storey to create 5no additional flats (C3)
- 3.3. **BH2001/00987/FP** - Demolition of 3 redundant plant rooms on roof and proposed cladding of existing lift rooms with boarding to match existing brick structure. Approved

4. REPRESENTATIONS

- 4.1. **Twenty-seven (27)** letters have been received, objecting to the proposal for the following reasons:
 - Adversely affects Conservation Area
 - Inappropriate height
 - Overdevelopment

- Poor design
- Application follows a recent refusal for a similar scheme
- Waste of Council time and money
- Out of character for existing building
- Are residents distracted by coronavirus?
- Looks like a Lego block
- Overlooking
- Noise disturbance
- Problems for elderly people that live in Hove Manor
- Adversely affects listed building
- Detrimental effect on property value
- Restriction of view
- Further applications should be blocked
- Loss of privacy
- Damage to trees
- Additional car parking demand
- Disruption during construction
- Set a precedent for higher buildings
- Changes that have been made since previous application are not significant
- Loss of light for neighbouring properties
- New flats won't help housing shortage
- Good design
- Likely to lead to additional service charges
- Lifts out of action
- Is the plumbing sufficient
- Rear staircase not suitable for disabled people or as a fire escape
- Loss of existing utility area
- New flats being centred around lift shafts and motors will cause nuisance for new residents
- Fire safety concerns
- White render requires increased maintenance
- Disturbance from activity on terraces
- Windows do not match the existing building

4.2. **One (1)** letter has been received, supporting the proposal for the following reasons:

- Tick boxes on the comment form not equitable between reasons for objection and support
- Additional overlooking will not be significant compared to the existing overlooking from the building
- No additional overshadowing
- The Council shouldn't pander to the Nimby element

5. CONSULTATIONS

5.1. **Heritage:** Initial comment: Further information required

Significant amendments have been made to the scheme as currently submitted; the footprint has been reduced and the side and rear elevations moved away from the edge of the existing roof. The windows now align with the position of windows below, and brick chimneys have been added to the front elevation referencing the strong rhythm of the host building and relieving the horizontality of the roof addition.

- 5.2. In addition, deep roof overhangs align with the projecting balconies of the existing building and following their forms, thereby providing interest with shadow lines and further relieving horizontality.
- 5.3. It is hoped that the vertical brickwork features will serve as routes for flues and venting, thereby avoiding the need for any visible vents and flues on the elevations - please seek confirmation of this.
- 5.4. It is noted that the outside spaces are divided in to private terrace areas and maintenance access. Please seek details of how these spaces will be defined and whether any barriers would be visible from the public realm.

Heritage: Updated comment following receipt of clarifications: No objection

- 5.5. Further information has been provided regarding the proposals for flues and vents and it is explained that although the extended brick chimney features will not accommodate the new ventilation equipment, this will be routed to emerge on the flat roof such that facades will not be affected. The Heritage Team considers that this is an acceptable solution.
- 5.6. Clarification and further details regarding the screens separating private terraces from maintenance areas has been provided, and this indicates that they will be glass balustrades with the height tapering towards the roof edge. It is considered that they will therefore not detract from the appearance of the proposal and are acceptable.
- 5.7. As a result, the Heritage Team is now able to support the application.
- 5.8. **Environmental Health:** No comment received
- 5.9. **Housing Strategy:** No comment received
- 5.10. **Private Sector Housing:** No comment
- 5.11. **Sustainable Transport:** No objection
The application seeks planning permission for the creation of three units (C3). This site has been subject to a similar planning application under ref: BH2018/02786 that was refused and subsequently dismissed at appeal. It should be noted that the application was not refused due to transport related reasons.

Site Access
Pedestrians

- 5.12. The existing pedestrian access is from Hove Street, and this is to remain the case for the proposed site. We on behalf of the Highway Authority have no objections.

Vehicular

- 5.13. The site does not have an existing vehicular access, and this is to remain the case for the proposed site. We have no objections.

Parking

- 5.14. In accordance with SPD14, in Key Public Transport Corridors, the maximum car parking for C3 two-bedroom unit is 0.5 spaces per dwelling plus 1 space per 2 dwellings for visitors, and 1 space per dwelling plus 1 space per 2 dwellings for visitors for three bedroom units. There is no car parking provision proposed to serve this development. The impact of any overspill parking is discussed in the section below.
- 5.15. In terms of cycle parking provision, SPD14 requires 1 cycle parking space per unit for two bedroom units, and 2 cycle parking spaces per unit for three bedroom units. Therefore, it is required for 4 cycle parking spaces to be provided.
- 5.16. No cycle parking provisions have been included as part of the proposals. In this case, this is not considered acceptable as, where possible, cycle storage should be provided. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be located in a safe, secure and covered location and accessible. It is noted that a previous application at this site provided a cycle store on the ground floor to the rear of the building. It is recommended that further details are secured by condition

Travel Forecasts

- 5.17. The proposed development would result in three additional dwellings. It is not considered the additional dwellings would result in a significant uplift in person and vehicle trips and therefore we would not consider the development to have a severe impact on the highway and surrounding transport network.

Operational impact

- 5.18. As previously stated, there is the potential for some overspill parking. Based on the 2011 Census, car ownership levels of approximately 0.66 per household could be expected for the Central Hove ward and therefore the proposal has the potential to generate a demand of approximately one vehicle. The site is located within the Controlled Parking Zone (CPZ) N which will ensure any additional on-street parking in the immediate vicinity is managed.
- 5.19. SPD14 outlines how restrictions in access to on-street parking permits will be considered for developments where the impact of overspill parking is considered unacceptable. These impacts may include localised increases in demand which can have a negative impact upon the amenity of existing residents in the vicinity of the site, as competition for on-street spaces in a particular area may increase.

- 5.20. Where there is potential for overspill parking, a parking survey is normally utilised to determine whether there is capacity on-street for the additional demand within close proximity to the development.
- 5.21. In lieu of a parking survey, we utilise permit uptake data to assess parking occupancy levels within CPZs. Given the potential variance in uptake across a CPZ, where permit uptake is over 85% over the previous 12 months, no additional overspill parking is permitted without a supporting parking survey.
- 5.22. Recent permit uptake within Zone N indicates high demand for parking over 98%. Therefore, if car parking cannot be accommodated on-site it is recommended that all of the residential development is made car free and that this is secured by condition.
- 5.23. Should the applicant wish to undertake a parking survey demonstrating there is sufficient capacity, or a parking demand assessment demonstrating there is no increase in demand compared to the existing use then we may reconsider.
- 5.24. **Fire Brigade:** No comment received
- 5.25. **Brighton & Hove Archaeological Society:** No objection
This planning application lies within an area of archaeological sensitivity. Finds from around this location have included Neolithic arrow heads, Bronze Age palstaves and the local church may have Saxon origins.
- 5.26. The Brighton and Hove Archaeological Society would suggest that the County Archaeologist is contacted for their recommendations.
- 5.27. **County Archaeology:** No comment
Based on the information supplied, it is believed that no significant below ground archaeological remains are likely to be affected by these proposals.
- 5.28. For this reason there are no recommendations to make in this instance.
- 5.29. **Conservation Advisory Group:** No objection
Since the last application the applicant has improved the visual conjugation of the seventh floor with the rest of the building. By adding a further floor with further setbacks at each end satisfies concerns about the structure being over dominant. Though still the Group would like to see the central section be set back further from the front facade.
- 5.30. Hove Street has a varied mix in styles and heights and the Group does not believe a further floor will detract from the character of the CA.
- 5.31. The fenestration design changes and proposed similar materials to be used, as in the host building, are welcomed.

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);
 - Shoreham Harbour Joint Area Action Plan (adopted October 2019);
- 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 2:

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP20	Affordable housing

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

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control

SU10	Noise Nuisance
QD14	Extensions and alterations
QD18	Species protection
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
HE10	Buildings of local interest

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

Supplementary Planning Guidance:

SPG15	Tall Buildings
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the development, the design of the proposal and its impact on the character and appearance of the existing building and the Old Hove Conservation Area and the setting of the Pembroke and Princes Conservation Area, and the impact of the proposal on neighbouring amenity and nearby listed buildings. The standard of accommodation to be provided, sustainability and transport 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 housing land supply position published in the SHLAA Update 2019 shows a five year housing supply shortfall of 1,200 (equivalent to 4.0 years of housing supply). As the Council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).

Background:

- 8.4. The current application follows BH2018/02786, which proposed a single-storey extension at roof level to create 2no three-bedroom and 1no two-bedroom residential units.

- 8.5. BH2018/02786 was refused by the Planning Committee for the following reason:

"The proposed development, by reason of scale, mass and bulk would have a significant and detrimental impact on the character and appearance of the existing building and the setting of the Conservation Area. In addition, the proposal fails to enhance the Conservation Area. The development is therefore contrary to retained policies QD14, HE6 and HE10 of the Brighton and Hove Local Plan and CP12 and CP15 of the Brighton and Hove City Plan Part One."

- 8.6. An appeal of this decision was submitted to the Planning Inspectorate, which was subsequently dismissed. The Inspector considered that the scheme would have appeared incongruous and visually dominant, failing to relate well to the existing building and detracting from its Art Deco character. The Inspector highlighted the minimal set-back in comparison to the overall width and depth of the building, the materiality and window arrangement as areas of concern.
- 8.7. The current application has adopted a revised design approach compared to the previous scheme in an effort to overcome the reason for refusal and the Inspector's concerns.

Principle of Development:

- 8.8. The proposal would result in the creation of 3no additional dwellings at a time when the LPA is unable to demonstrate a five-year supply, and this is given increased weight in accordance with the 'tilted balance' in favour of housing delivery.
- 8.9. Paragraphs 122 & 123 of the NPPF encourage development proposals which make efficient and optimal use of existing sites, especially where there is a shortage of land for new housing. The proposal would serve to achieve this aim.
- 8.10. The Inspector for BH2018/02786 found there was *"no objection in principle to 'capping' the existing building nor to introducing a contemporary design."*
- 8.11. Therefore, and subject to an assessment of other material planning considerations, the proposal is considered to be acceptable in principle.

Design and Appearance:

- 8.12. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.13. When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

- 8.14. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".
- 8.15. SPG15 Tall Buildings sets out that tall buildings are defined as buildings of 18m (6 storeys) or taller, and that applications relating to tall buildings should be accompanied by a Tall Building Study. Similar to the previous application, the submission does not include a Tall Building Study. The submission does, however, include a detailed Design and Access Statement with visual studies of the development from various vantage points in the vicinity of the site, as well as a Heritage Statement, which address some of the key points in a Tall Building Study.
- SPG15 states that new tall buildings should not generally be located within conservation areas. However, it is noted that the existing building is already classed as a mid-rise tall building, and the proposed extension would not change this classification. As will be assessed below it is considered that the proposed extension would not appear as a full additional storey, and that the extended building would relate appropriately to the surrounding context which comprises several other tall buildings of a similar height such as Prince's Court opposite, Viceroy Lodge at the junction with Kingsway to the south, and Dolphin Court near the junction with Church Road to the north.
- 8.16. As aforementioned, the current scheme has adopted a revised design approach since the refusal and dismissal at appeal of BH2018/02786. Notable differences include:
- An increased set back from the edges of the roof by an additional approximately 1m on each side and approximately 1.1m to the rear (for a total set back of 2.5m on each side and 2.6m from the rear);
 - A decrease in the overall footprint of the proposed extension by approx. 97sqm (from approx. 539sqm to approx. 442sqm);
 - Use of render with brick chimney detailing rather than metal cladding;
 - Revised window sizes and alignments;
 - The addition of deep roof overhangs aligned with the balconies on lower floors.
- 8.17. It is considered that the revised scheme has responded positively to the reason for refusal of BH2018/02786, as well as the concerns raised by the Inspector during the appeal. The increased set back and lesser overall footprint has reduced the scale, mass and bulk of the proposal, while the use of white render with brickwork chimney detailing, the revised window pattern and the projecting roof overhangs would each reflect design features of the existing building. The proposal, as a whole, would relate better to the existing building than the previous scheme, appearing as less of a dominant additional storey and more as a subordinate extension at roof level.
- 8.18. Balustrades separating the terrace areas are to be glazed, tapering down to the edge of the building to reduce their visibility.

- 8.19. The Council's Heritage team have reviewed the scheme and after receiving clarification that the balustrading would taper down towards the edge of the building have given their support to the application.
- 8.20. The Conservation Advisory Group have also reviewed the scheme and have supported approval, welcoming the significant amendments made since the previous refusal and considering the extension would not detract from the character or appearance of the Conservation Area.
- 8.21. As such, it is considered that the proposed extension has overcome the reason for refusal/dismissal at appeal, and as amended, would appear as an appropriate addition which would not cause harm to the character or appearance of the existing building or the wider Old Hove Conservation Area. No harm would be caused to the setting of the Pembroke & Princes Conservation Area.
- 8.22. It is further considered that the proposal would not have a detrimental impact upon the setting of the Locally Listed heritage assets to the north and south of the site, by reason of its set back from the roof edge and reduced scale compared to the previous proposal and in consideration of the size and scale of the existing building.

Impact on Amenity:

- 8.23. 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.
- 8.24. The existing building provides five storeys of residential accommodation over the ground floor commercial uses. It is considered that 3no additional residential units would be unlikely to have a significant additional impact in terms of noise disturbance on existing residents.
- 8.25. Views from the main living areas and bedrooms of the proposed dwelling would be directed north, west and south, with the eastern (rear) windows serving the communal access corridor and the corridors within units 1 and 3. All windows facing north, east and south would be obscure glazed. It is considered that the additional views from the proposed units would not be more intrusive or harmful than the views currently available from the higher floors of the existing building, with the obscure glazing and set back from the building edge restricting views of the closer neighbouring buildings and amenity spaces. The neighbouring properties most sensitive in terms of overlooking are those to the south; however no significant concerns are held in this regard due to the set back from the building and edge and the obscure glazing.
- 8.26. The outdoor amenity terraces would each be located on the front edge of the western projections, above and in line with the balconies of the flats on the lower floors. The terraces would be set in from the sides of the roof with

obscured privacy screening on the side to avoid overlooking directly into the lower flats. A condition is recommended to require the submission of further detail of this screening and its implementation prior to occupation of the dwellings. Subject to this condition it is considered that the proposed terraces would not have a significant detrimental impact upon neighbouring amenity through either noise disturbance or loss of privacy. Access to the remainder of the roof area will be for maintenance purposes only and it is recommended this be secured by condition.

- 8.27. The proposed roof extension would introduce additional bulk at roof level, with the potential to result in a loss of daylight and increased overshadowing for nearby properties.
- 8.28. The application includes a cross-section drawing illustrating the relationship between Hove Manor and the nearest properties to east and west. The proposed roof extension would result in a 2 degree (east) and 3 degree (west) loss of outlook compared to the existing building, which is considered not to result in significant enough harm so as to warrant the refusal of the application.
- 8.29. The previous application BH2018/02786 included a Daylight and Sunlight Assessment (DSA) for the closest property to the east (22 Vallance Gardens), which concluded that there would be no harmful overshadowing or loss of outlook for no. 22. As this property was the closest eastern property to the application site, this also meant that no other properties would be negatively affected to a harmful degree.
- 8.30. The current application does not include a DSA, however it is stated within the submission that due to the increased setback from the existing parapet now proposed, the impact upon neighbours in terms of overshadowing and loss of outlook would be reduced compared to BH2018/02786. Officers concur with this view.
- 8.31. It is therefore considered that the proposal would not have a detrimental impact upon neighbouring amenity to an extent sufficient enough to warrant refusal of the application.

Standard of Accommodation:

- 8.32. The proposed dwellings comprise 2no two-bedroom flats (Flat 1 and Flat 2) and 1no three-bedroom flat (Flat 3).
- 8.33. Flat 1 would have a total area of approx. 90sqm with bedrooms of 11.6sqm and 8.6sqm. Each habitable room would have access to natural light and outlook and provide space for furniture and circulation, however the layout would be somewhat irregular with the main living areas separated from the bedrooms by a long corridor circumventing a chimney and lift room.
- 8.34. Flat 2 would have a total area of approx. 77.5sqm with bedrooms of 11.8sqm and 7.5sqm. Each habitable room would have access to natural light and outlook and provide space for furniture and circulation.

- 8.35. Flat 3 would have a total area of approx. 127.6sqm with bedrooms of 11.6sqm, 12.5sqm and 8.1sqm. Each habitable room would have access to natural light and outlook and provide space for furniture and circulation, however similarly to Flat 1 the layout would be irregular with the main living areas separated from the bedrooms by a long corridor circumventing a chimney and lift room.
- 8.36. Each flat would have access to outdoor amenity space in the form of a front terrace and this is considered acceptable.
- 8.37. Whilst the layout of Flats 1 and 3 is less than ideal, it is recognised that this is a symptom of the location of existing functional spaces which it is necessary to retain. The layouts of each flat would be viable for residential use without causing significant harm to the amenity of future occupiers and as such this is considered not to warrant the refusal of the application.
- 8.38. It is considered appropriate to secure soundproofing measures of the area of each dwelling adjacent to the lift rooms by condition to prevent an unacceptable level of noise and vibration disturbance.
- 8.39. Although not yet adopted policy, the Government's Nationally Described Space Standards (NDSS) do provide a useful point of reference for assessing new dwellings. Policy DM1 of the draft City Plan Part Two proposes to adopt the NDSS.
- 8.40. In order to meet the minimum standards for a comparator dwelling as stipulated by the NDSS, Flats 1 and 2 would need to have a minimum area of 61sqm, and Flat 3 would need to have a minimum area of 86sqm. Each dwelling exceeds this minimum requirement.

Sustainable Transport:

- 8.41. The proposal is unlikely to result in a significant enough uplift in trip generation to warrant a financial contribution. No changes to pedestrian or vehicular access are proposed and this is not objectionable.
- 8.42. SPD14 requires a total of four cycle parking spaces for the development. None are included in the application and space is available on the site, so further details will be secured by condition. Cycle parking facilities should be convenient, covered and secure.
- 8.43. No car parking is proposed as part of this application to serve the additional dwellings. At current car ownership levels for households in the Central Hove ward, the development has the potential to generate demand for approximately one additional vehicle. The site is located within Controlled Parking Zone (CPZ) N which will ensure any additional on-street parking in the immediate vicinity is managed. CPZ N has a permit uptake rate of over 98% and a condition is therefore recommended to remove the access of future occupiers of the proposed dwellings to on-street car parking permits.
- 8.44. It is understood that use of the on-site car park is restricted by the building management agents who issue Residents' Parking Permits on an unallocated

basis to current leaseholders. It is recommended that future occupiers of the proposed dwellings access to on-site car parking permits is restricted through a car park management plan secured by condition.

Sustainability:

- 8.45. Energy and water efficiency standards in accordance with the requirements of policy CP8 of the Brighton and Hove Local Plan can be secured by condition.
- 8.46. Communal refuse and recycling facilities are available on the public highway.

Other Considerations:

- 8.47. Conditions requiring a bee brick and six swift bricks/boxes have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 8.48. The concerns raised by members of the public including disturbance during construction works, reduction in value of property, potential for increased service charges, plumbing and fire safety are noted, however these variously do not form material planning considerations and are covered under separate legislation and so cannot be taken into consideration.

Conclusion:

- 8.49. The provision of 3no dwellings would make a contribution to the housing supply of the city, and in view of the guidance within Paragraphs 122 and 123 of the NPPF and the Inspector's comments for the previous application, the proposal is considered to be acceptable in principle. The reduced scale and revised materiality of the current scheme is considered to have overcome the reason for refusal and dismissal at appeal of the previous application, with the proposed design and appearance considered acceptable.
- 8.50. The impact of the proposal on neighbouring amenity would be reduced compared to the previous application, is unlikely to be significantly detrimental and is considered not to warrant refusal. Transport implications can be addressed through conditions, as can ecology and sustainability matters. The proposal has responded positively to the reasons given by the Inspector for the dismissal of BH2018/02786. Approval is therefore recommended, subject to conditions.

9. EQUALITIES

- 9.1. Policy HO13 seeks to secure access standards above normal Building Regulations requirements. The proposed flats would be served by the central lift which is wheelchair accessible. As the scheme could be accepted without the installation of the central lift, and a step free access could not be achieved without the lift, it is considered that a condition requiring compliance with the M4(2) Building Regulations Standard is not necessary.

