

<u>No:</u>	BH2021/04485	<u>Ward:</u>	Wish Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Garage Rear Of 46 Boundary Road Hove BN3 4EF		
<u>Proposal:</u>	Conversion of existing detached garage to form 1 no one bedroom dwelling (C3) with revised fenestration, installation of rooflights and associated works.		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	21.12.2021
<u>Con Area:</u>	None	<u>Expiry Date:</u>	15.02.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
Applicant:	Downsview Developments Ltd C/O Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

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 and block plan	2021/132		21 December 2021
Proposed Drawing	2021/131		21 December 2021

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. Unless otherwise agreed in writing by the Local Planning Authority, the external finishes of the development hereby permitted shall match those given on the submitted application form and approved drawings.

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 Brighton & Hove City Plan Part One.

4. Notwithstanding the approved drawings, 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.

5. The development hereby permitted shall not be occupied until the redundant vehicle crossover to St Leonards Road has been converted back to a footway by raising the existing kerb and footway, which shall thereafter be retained as such.

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

6. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and 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, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

7. The development hereby permitted shall not be occupied until the 1.8m high close-boarded boundary fence, as indicated on the approved drawings, has been fully implemented. The fence shall be retained and maintained at all times thereafter.

Reason: To protect the amenity of both future occupiers and neighbouring residents and to comply with emerging policy DM20 of the Brighton and Hove City Plan Part Two.

8. At least one 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.

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

2. SITE LOCATION

- 2.1. The application relates to a detached single-storey garage building, associated with no. 46 Boundary Road, set between the buildings fronting Boundary Road and St Leonards Road. The garage is positioned in line with the rear of the gardens of the dwellings on St Leonards Road, from which it can be accessed via its own vehicular passageway.
- 2.2. The garage is not listed, and the site is not located within a conservation area.

3. RELEVANT HISTORY

None identified.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the conversion of the garage to form 1 no. one-bed dwelling. The application also includes external works including revised fenestration, the installation of rooflights, new cladding and other associated works.

5. REPRESENTATIONS

- 5.1. **Six (6) letters of objection:**
- Additional traffic
 - Noise
 - Overdevelopment
 - Loss of property value
 - Access from St Leonards Road is not suitable
 - Boundary on plans is incorrect
 - Overshadowing
 - Poor design
 - Disruption during building works

6. CONSULTATIONS

- 6.1. **Housing:** No comment received
- 6.2. **Sustainable Transport: Verbal comments:**
No objection with regards to the loss of the existing garage, access, trip generation, or on-site car parking. Further details of secure cycle parking should be secured by condition, as should the reinstatement of the crossover back to a footway.

- 6.3. **Private Sector Housing:** No comment
- 6.4. **Environmental Health:** No comment received
- 6.5. **East Sussex Fire and Rescue:** No comment received

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. 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);
- 7.3. 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.

8. 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
CP10	Biodiversity
CP12	Urban design
CP14	Housing Density
CP19	Housing Mix

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):
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. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

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

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposed alterations, the impact upon neighbouring amenity, the standard of accommodation to be provided and sustainable transport matters.

Principle of Development:

- 9.2. Policy CP1 sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,311 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.4. The council's most recent housing land supply position is published in the SHLAA Update 2021 which shows a five-year housing supply shortfall of 6,915 (equivalent to 2.1 years of housing supply).

- 9.5. 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).
- 9.6. The proposal would result in the creation of an additional dwelling at a time when the LPA is unable to demonstrate a five-year housing supply. This is given increased weight in accordance with the NPPF, as set out above.
- 9.7. Residential use is established in the area, on both Boundary Road and St Leonards Road. There are also examples of dwellings similarly set in between the Boundary Road and St Leonards frontages ('back-land development') a short distance to the south. Conversion of the garage for residential purposes would therefore not be inappropriate or run counter to the established residential character of the area.
- 9.8. The existing garage is effectively already set in its own plot, with its own independent access from St Leonards Road. The proposal would not therefore require the subdivision of an existing garden and would not require the formation of a new accessway. As a result, it is considered that the proposal would not set a precedent for back-land development on St Leonards Road.
- 9.9. The proposal can therefore be accepted in principle, subject to an assessment of other material planning considerations, as set out below.

Design and Appearance:

- 9.10. The existing garage is a single-storey brick-built structure. The proposals do not include an increase in built footprint; however the garage door would be replaced with a residential frontage, the two doors on the southern side elevation would be removed, and the tripartite window on the western rear elevation would be replaced with a set of patio doors. In addition, the front elevation and part of the side and rear elevation would be clad in a grey Cedral boards . A 1.8m timber fence would be erected to the front and rear boundaries of the site.
- 9.11. No objection is raised to the proposed external alterations on design grounds. The converted garage would remain of an appropriate scale and appearance, in accordance with Policy DM21 of City Plan Part 2 (which has more weight than local plan policy), and policy QD14 of the Brighton & Hove Local Plan, along with SPD12 guidance.

Impact on Amenity:

- 9.12. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 (which can be given more weight than QD27) 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.
- 9.13. The proposed converted garage would not increase in footprint or height over the existing, and as such there would be no impact in terms of increased

overshadowing or sense of enclosure for neighbours. The proposed fenestration would not give rise to additional or extended views towards neighbouring dwellings, and views into and out of the proposed dwelling would in any case be for the most part obstructed by the proposed 1.8m timber fencing. The proposal is therefore considered acceptable in terms of its impact on privacy.

9.14. The proposed residential use, which comprises a one-bed dwelling, would be appropriate for the area in terms of the nature and intensity of activity on site and as such no concerns are held regarding potential noise disturbance for neighbours. Compared to the existing garage use, it is likely that the proposal would give rise to more consistent activity on site, however of a less potentially disruptive nature.

9.15. It is also noted that the proposal would involve the removal of vehicle movements to and from the garage via the narrow passageway past nos. 84 and 86 St Leonards Road. This aspect of the scheme would result in an improvement to the amenity of residents of these dwellings.

Standard of Accommodation:

9.16. The proposed dwelling would provide approximately 39sqm of accommodation, laid out as an open-plan kitchen/dining/living area, a shower room and a single bedroom. Approximately 61sqm of outdoor amenity space would be available.

9.17. The accommodation is of regular internal proportions providing space for furniture and circulation, with access to natural light and outlook available from the fenestration on the front and rear elevation, and a rooflight.

9.18. The proposal would comply with the Nationally Described Space Standards (NDSS), which stipulate that a single-storey, one-bedroom, one-person dwelling with a shower room should have a minimum of 37sqm of internal space.

9.19. The proposed standard of accommodation is therefore considered to be acceptable.

Sustainable Transport:

9.20. The proposal is not likely to result in a significant uplift in trip generation as it would allow a one-bed dwelling. No objection is raised to the loss of the existing garage, nor to the provision of zero (0) on-site car parking space. Any uplift in on-street car parking demand can be accommodated through the Controlled Parking Zone (CPZ) management system.

9.21. Cycle parking facilities are indicated on the proposed drawings, however there is a lack of dimension and detail and this will be secured by condition.

Other Considerations:

9.22. A condition requiring at least one bee brick has 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.

- 9.23. It is noted that several of the public representations have raised concerns regarding the ownership status of the access passage from St Leonards Road. This is not a planning matter, nor is loss of property value.
- 9.24. Whilst some disruption during building works would be inevitable, it is considered that for a development of this scale this would not be a material consideration, and a Construction and Environment Management Plan (CEMP) would not be necessary given the limited scale of development proposed.

Conclusion:

- 9.25. The proposed change of use is considered acceptable in principle, as is the design and appearance of the proposed external alterations. The impact upon neighbouring amenity, the standard of accommodation provided and sustainable transport matters are all considered acceptable subject to the recommended conditions. Approval is therefore recommended.

10. EQUALITIES

- 10.1. Level access would be provided at the access to the dwelling, increasing its usability for those with mobility issues.

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The proposal would make a better, more efficient use of an existing building in a sustainable location.