

<u>No:</u>	BH2021/03826	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	16 Wilbury Villas Hove BN3 6GD		
<u>Proposal:</u>	Alterations and extensions to existing building comprising 6 flats incorporating layout changes, front and rear extensions, rear balcony and roof terraces, rear dormer and new lightwells. Alterations to fenestration. New boundary wall, metal gates, planting, bin and cycle storage. Render rear and side elevations.		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	27.10.2021
<u>Con Area:</u>	N/a	<u>Expiry Date:</u>	22.12.2021
<u>Listed Building Grade:</u>	N/a	<u>EOT:</u>	09.06.2022
<u>Agent:</u>	Turner Associates 19A Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	HML Properties Ltd 85 The Drive Hove BN6 3GE		

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
Detail	STD-1301-HORIZON (I)006(I)	B	17 February 2022
Location and block plan	TA1372/01	-	17 February 2022
Proposed Drawing	TA1372/10	F	16 May 2022
Proposed Drawing	TA1372/11	D	10 March 2022
Proposed Drawing	TA1372/12	C	17 February 2022
Proposed Drawing	TA1372/13	E	10 March 2022
Proposed Drawing	TA1372/14	A	7 December 2021
Proposed Drawing	TA1372/15	-	27 October 2021
Proposed Drawing	TA1372/16	C	10 March 2022
Proposed Drawing	TA1372/17	E	10 March 2022
Proposed Drawing	TA1372/18	D	10 March 2022
Proposed Drawing	TA1372/19	E	10 March 2022

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.
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.
 - i) The window servicing the bathroom rear ground floor flat on the side/south elevation shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the rear bedroom, and thereafter permanently retained as such.
 - ii) The horizontal rooflights within the single-storey rear extension hereby permitted shall be obscure glazed and non-opening, 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; and DM20 of the emerging Brighton & Hove City Plan Part Two.
5. Prior to first use of the terraces at ground and first floor hereby permitted, the 1.8m high obscured glass screening shall be installed fully in accordance with the approved drawings and shall thereafter be retained at all times, being repaired and maintained at all times in the event of damage, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to protect adjoining properties from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, and DM20 of the emerging Brighton & Hove City Plan Part Two.
6. Access to areas of flat roof beyond the balustrading or screening hereby approved shall be for maintenance or emergency purposes only and said areas shall not be used as roof gardens, terraces, patios or similar amenity areas.
Reason: In order to protect adjoining properties from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, and DM20 of the emerging Brighton & Hove City Plan Part Two.
7. One or more bee bricks 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.
8. Three or more swift bricks/boxes shall be incorporated within the external surface 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 application of translucent film to clear glazed windows does not satisfy the requirements of condition 4.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.
4. 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.
5. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.
6. The applicant is advised to contact permit.admin@brighton-hove.gov.uk if they wish to suspend parking outside the application site during the delivery and construction period.

2. SITE LOCATION

- 2.1. The application site is a two-storey over basement semidetached building on the west side of Wilbury Villas, that has been subdivided into six (C3) residential flats. It features a habitable roof-space and has an original two-storey rear outrigger; its appearance contributes positively to the character of the area.
- 2.2. The adjoining property, no.18, has been altered with a large roof terrace (across its own outrigger top) and rear dormer window. These are not considered to be positive alterations, either in terms of appearance or the impact they have on neighbouring residential amenities, and there is no clear evidence for these works being granted planning permission.

3. RELEVANT HISTORY

- 3.1. **BH2007/02875** Conversion of basement into self-contained flat including excavation of lightwell to front of property. Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for works to expand and improve the existing flats within the building. At the front of the property, the basement flat would benefit from an enlarged front lightwell/patio, and a small extension. The front boundary wall would be rebuilt to better link with the neighbouring property no.14, and cycle parking and refuse and recycling facilities would be installed within the front garden.
- 4.2. To the rear of the building, the original outrigger would be extended at full height by approximately 2.25m. A separate part one-, part two-storey extension at lower ground and ground floor level would match the depth of the extended outrigger (at lower ground floor level) with a total length of approximately 7.4m as measured from the rear wall of the main building. At ground floor level, the extension would have a length of approximately 1.3m. This extension would feature a roof terrace that would extend approximately 4.6m up the extension at ground floor level and be set off the side boundary and fitted with screening. At first floor level, a balcony would be installed with a depth of approximately 1.3; it too would be set off the shared boundary and fitted with obscure screening. At top floor level, a further terrace would be created atop the outrigger, with a depth of approximately 3.5m; this would be set back from the edges of the outrigger roof, and accessible through a small roof extension featuring a doorway.
- 4.3. Finally, the rear and side elevations of the building are to be rendered over and painted. A new window at lower ground floor level, and another at ground floor level, are to be installed within the side elevation.

5. REPRESENTATIONS

- 5.1. Seven representations have been received, objecting to the proposal on the following grounds:
- Detrimental Impact on property value
 - The proposed works are overdevelopment
 - Detrimental Impact on amenities by reason of:
 - Loss of natural light
 - Loss of privacy
 - Noise nuisance

6. CONSULTATIONS

6.1. Transport

The proposal includes an additional bedroom in the dwelling; the increase in trip generation is not considered to be significant.

- 6.2. The proposed cycle parking appears suitable only for short stays (i.e. is unsheltered) and would not be secure or suitable for residents' use. The applicant should be advised that, if the intention is to provide cycle parking for

residents' use, that police-approved metal Secure-by-design cycle stores would be considered the best solution in this instance.

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 (JAAP) 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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design

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

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

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
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Brighton & Hove City Plan Part Two

Policies in this Plan 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 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed development, and the potential impacts on the amenities of local residents and business-users.

Design and Appearance

- 9.2. The proposed works to the front of the building are all considered to be acceptable in terms of appearance. The works to the front boundary wall are considered to be of benefit to the character of the streetscene. The expanded lightwell would be characterful of the streetscene and would be similar in appearance to that at the adjoining property.
- 9.3. To the rear of the building, concerns have been raised that the works would unbalance the host building in relation to the adjoining property no.18. This adjoining property has itself been enlarged with single-storey extensions (to the main building, and on the end of its outrigger) and at rooftop level with a bulky dormer window and roof terrace that covers the entirety of the outrigger roof.
- 9.4. The proposed works would not be highly visible from the public realm, with the exception of the works above first floor level.
- 9.5. Glimpsed views of the proposed outrigger extension and roof terrace would be visible from Wilbury Avenue to the south, but otherwise the works are not likely to be visible from the public highway; it is considered that the proposed works would not have any significant impact the visual amenities of the area. From closer views from private land, the proposed works would be visible within the context of the similar works that are present at no.18. It is considered that the works at the lower levels would not cause a harm at a level that would warrant permission being refused, particularly in the context of the less sympathetic works to the adjoining property at no.18.

- 9.6. Overall, it is considered that the works would enhance the appearance of the building and wider streetscene as viewed from Wilbury Villas. To the rear, the works would appear as a notable enlargement of the building and would somewhat unbalance it but given the fact that these works would not be highly visible from the public highway and in the context of the harmful additions that have previously been made to the wider building, it is considered that the development is acceptable in terms of its impact on the character and appearance of the area.
- 9.7. The proposed external materials for the development shall be secured by condition.

Impact on Amenities

- 9.8. Concerns have been raised that the proposed works to the rear will have significant harmful impacts on the amenities of local residents, particularly those occupying the flats within no.18 Wilbury Villas. This is due to a loss of light and privacy, and disturbance from noise.

Loss of Light

- 9.9. It is acknowledged that the proposed extension to the outrigger is likely to break the 45 degree rule (as mentioned in Supplementary Planning Document 12: Extensions and Alterations) when considering several windows on the rear elevation of no.18 Wilbury Villas. However, it is not considered that it would contribute to an unacceptable level of enclosure to these windows given that it would comprise a relatively modest extension to an existing outrigger on the other side of the building from the windows. In terms of loss of light, it is important to consider the context of the site. The presence of three- and four-storey blocks of flats to the southwest of the site means that much late afternoon/early evening sunlight would already be lost behind these buildings so it is not considered that the extension to the outrigger would lead to any significant additional loss of light in this instance.
- 9.10. It is not considered that the works at ground and first floor are likely to result in any significant loss of light given that they are sited between windows on no.18 and the existing outrigger of no.16. The glazed balustrade for the roof-top terrace is modest in scale and, being glazed, will allow light to pass through it; therefore, it should not contribute to any loss of light.

Loss of Privacy

- 9.11. The concerns regarding privacy stem from the creation of three external terraces at the rear of the property, one each at ground floor, first floor, and rooftop level. The initial submission has been subject to several alterations so each of these terraces would now be stepped back from the shared boundary (or edge of the outrigger in the case of the rooftop terrace), and the lower two terraces both include obscure screening along their side elevation.
- 9.12. The lower two terraces should not create any loss of privacy to rooms within no.18, given the presence of screening. The rooftop terrace is set back from the edge of the outrigger and has a limited length, which would reduce the potential loss of privacy to windows on no.18. It is not considered that screening around

this terrace would have an acceptable appearance, so this has not been requested. There would be mutual overlooking between this proposed terrace and the existing rooftop terrace at no.18; given the separation between these two terraces it is not considered that this would be significantly harmful for either party.

- 9.13. With regards to privacy within the rear gardens of both properties, both gardens already suffer from a degree of overlooking from existing windows and the two terraces that are present on no.18. It is not considered that the proposed development would create any significant actual loss of privacy in this regard.
- 9.14. A condition will be attached restricting access to areas of flat roof for anything other than maintenance or in the event of an emergency. It is considered that access as amenity spaces, beyond the areas clearly annotated as terraces on the approved plans, could cause a harmful sense of overlooking for neighbouring residents.
- 9.15. It should be noted that it has been reported that the existing roof terrace at no.18 is not a roof terrace and is only for use as a fire escape, so does not cause any loss of privacy for residents. It may be the case that the current occupant(s) does not make use of the space for amenity purposes but there are no planning controls that manage this, and the space could be used as a roof terrace at any time; it is therefore considered reasonable to consider it as such.
- 9.16. A single new window is proposed within the south elevation; this shall be made subject of a condition requiring it to be fixed shut to an internal height of 1.7m and be fitted with obscure glazing, in order to reduce the potential for loss of privacy. It is necessary to require the roof lights within the single-storey extension obscure-glazed also, to prevent overlooking to the lower ground floor flat from occupants of the ground floor flat.

Noise Nuisance

- 9.17. Concerns have been raised that the new terraces will create harm due to the increased noise output from occupants. It is noted that several of the windows to the rear of no.18 are bedrooms and would be particularly sensitive to noise disturbance.
- 9.18. The proposed terrace at ground floor level would be approximately 16m² in area and could comfortably seat several persons for extended periods of time. Whilst concerns about noise nuisance are noted, it is not considered that the terrace would inherently result in noise beyond what one could reasonably expect from a residential garden, and it would not be harmful enough to warrant planning permission being withheld in this instance.
- 9.19. The proposed terrace at first floor level is approximately 4.3m² and could not comfortably seat more than two persons. It is not considered that it would be likely to result in any significant noise nuisance that would warrant planning permission being withheld in this instance.

- 9.20. The proposed rooftop terrace is approximately 9.4m²; it is in a similar location, but significantly smaller, than the rooftop terrace at no.18. It could reasonably seat up to four persons and could result in some noise output but would be unlikely to cause any significant harm in terms of noise nuisance.
- 9.21. The council will retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on the Public Highway

- 9.22. The proposed development includes the installation of a total of six cycle parking spaces within the front garden of the property. These would not be suitable for long-term parking as they are unsheltered but would be suitable for short-stay (visitor) parking. This would encourage trips to and from the site by sustainable means.

Standard of Accommodation

- 9.23. The proposed development would increase the gross internal area (GIA) of several of the flats within the building, improving the standard of accommodation they would offer. Four of the existing flats fail to meet the requirements of the 'Nationally Described Space Standards' (NDSS) in terms of GIA, and only two of the flats benefit from any outside amenity space; it is considered that when the building was first subdivided by a previous developer, it was not done in a way that prioritised the standard of accommodation that would be offered to future residents.
- 9.24. The proposed development would improve the standard of accommodation in four of the six flats. The basement flat would be enlarged by approximately 55m²; the ground floor rear flat would be enlarged by approximately 13m², resulting in it becoming compliant with the NDSS for a one bedroom, two bed-space property; and the first floor rear flat would be enlarged by approximately 8m².
- 9.25. The improvement to existing housing stock is considered to be of public benefit as it enhances housing choice in the area, which is particularly important at a time when the Council cannot demonstrate a five year housing land supply.

Other Considerations

- 9.26. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees and swifts. A suitably-worded pairs of conditions will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policy CP10 of the City Plan Part One.
- 9.27. The proposed development includes provision for refuse and recycling storage at the front of the site. This is welcomed, as it will help keep the facilities in an orderly state and reduce visual clutter.

Conclusion

- 9.28. The proposed development is considered to be acceptable in terms of appearance and would improve the standard of accommodation for four or the

six flats within the building. The works to the rear of the building are recognised as having some negative impact on the amenities of occupants within no.18 Wilbury Villas, but not to the degree that would justify withholding planning permission. On balance, the benefits of the scheme are considered to outweigh its failings; the proposal is considered to be in accordance with policies TR14, QD14, QD15, QD27 and HO5 of the Brighton and Hove Local Plan; and CP9, CP10 and CP12 of the City Plan Part One.

- 9.29. It is also considered that the proposal would be in accordance with policies DM1, DM20, DM21 and DM22 of the Proposed Submission City Plan Part Two which is gathering weight. Policies DM1 and DM22 are considered to have significant weight at this stage and policies DM20 and DM21 are considered to have more weight than the adopted Local Plan policies QD14 and QD27.

10. EQUALITIES

None identified

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. The proposed development is part of a refurbishment of the property that will improve the fabric of the building in terms of insulation, reducing the carbon footprint of the property. Improvement of housing stock makes more efficient use of land and reduces the need for new dwellings elsewhere. Biodiversity improvements will be secured by condition.