

<b><u>No:</u></b>	<b>BH2021/04500</b>	<b><u>Ward:</u></b>	<b>Withdean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>24 The Drove Brighton BN1 5AF</b>		
<b><u>Proposal:</u></b>	<b>Redevelopment of existing single storey garage to create 1no two storey flat roofed dwelling (C3) with associated works.</b>		
<b><u>Officer:</u></b>	Ayscha Woods, tel: 292322	<b><u>Valid Date:</u></b>	07.01.2022
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	04.03.2022
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD United Kingdom		
<b><u>Applicant:</u></b>	Julie Habben And Joan Withington C/O Lewis and Co Planning 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	PR01	-	6 May 2022
Proposed Drawing	PR02	-	6 May 2022
Proposed Drawing	PR03	-	6 May 2022
Proposed Drawing	PR04	-	6 May 2022
Location Plan	EX01	-	6 May 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, including (where applicable):

- a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering

- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/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 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. No extension, enlargement or other alteration 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 character of the area and for this reason would wish to control any future development to comply with policy QD14 of the Brighton & Hove Local Plan.

5. The first floor windows in the rear (northern) elevation of the development hereby permitted shall be obscure glazed, and non-opening unless the parts of the window(s) 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.

6. Prior to first occupation of the development hereby permitted, the secure cycle parking facilities for the occupants of, and visitors to, the development shall be fully implemented and made available for use 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.

7. The refuse and recycling facilities shown on the plans submitted shall be carried out and provided in full in accordance with the approved plans prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse 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.

8. None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One.

9. A bee brick shall be incorporated within the external wall of each dwelling 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.
10. Access to the flat roof hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan, CP12 of the Brighton and Hove City Plan Part One and emerging policy DM20 of the Brighton and Hove City Plan Part Two.
11. Three (3) 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 Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The applicant is advised that Part O of Building Regulations 2022 has been introduced. This standard is aimed at designing out the need for mechanical air conditioning systems in dwellings that would otherwise be prone to overheating and limiting unwanted solar gains. There are optional methods to demonstrate compliance through the Building Regulations.

## 2. SITE LOCATION

- 2.1. The application site relates to a single storey attached garage structure adjacent to 24 The Drove, located to the north side of the road at the junction of The Drove and Reigate Road. The building is currently a flat roofed single storey structure with a rendered finish contrasting with the adjacent two storey red brick terrace at 22, 22A and 24 The Drove. The garage is attached to and part of the site at 24 The Drove.
- 2.2. The site is not located within a conservation area, and there are no Article 4 directions covering the site.

### 3. RELEVANT HISTORY

- 3.1. PRE2021/00080 - Proposed new dwelling to replace existing garage footprint on site - Pre-application advice provided - 02/06/21

### 4. APPLICATION DESCRIPTION

- 4.1. Permission is sought for a redevelopment of the existing single storey garage to create 1no two storey flat roofed dwelling (C3) with associated works. The scheme proposed 1no. bedroom at first floor and a small amenity space to the rear. The building would be finished in brickwork to match the adjoining terrace.

### 5. REPRESENTATIONS

- 5.1. **Eight (8)** letters have been received objecting to the proposed development for the following reasons:

- Adversely affects Conservation Area
- Inappropriate Height of Development
- Poor design
- Overdevelopment
- Overbearing
- Loss of light
- Loss of privacy/overlooking
- Poor design
- Residential Amenity
- Restriction of view
- Too close to the boundary
- Poor standards of accommodation
- Limited amenity space for occupants
- Noise disturbance
- Does not contribute to housing stock

(N.B - It appears **fifteen (15)** comments of objection have been received; however, multiple comments have been received from the same people).

- 5.2. **One (1)** further letter has been received from **Councillor Lloyd** objecting to the proposed development. A copy of the representation from Councillor Lloyd is attached.

### 6. CONSULTATIONS

- 6.1. **Arboriculture:** No comment received
- 6.2. **Environmental Health:** No comment received

- 6.3. **Sustainable Transport: No objection**  
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions.

## **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 JAAP (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

CP11 Flood risk

CP12 Urban design

CP13 Public streets and spaces

CP14 Housing density

CP18 Healthy city

CP19 Housing mix

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

TR4 Travel plans

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD5 Design - street frontages

QD14 Extensions and alterations

QD15 Landscape design  
QD18 Species protection  
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 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 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. 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

Supplementary Planning Documents:  
SPD11 Nature Conservation & Development  
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 on site, the design of the new building and its impact upon 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 highways considerations.

### **Principle of the Development:**

- 9.2. 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.
- 9.3. 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).

- 9.4. 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).
- 9.5. The site is located in an area dominated by residential development. As a principle of development the use of the site for residential would be appropriate.

**Design and Appearance:**

- 9.6. As existing the building forms a single storey garage which adjoins to the west of 24 The Drove. The existing structure is finished in render. The proposal would include the demolition of the existing structure and the rebuilding of the existing footprint and introduce a new first floor level.
- 9.7. As originally submitted, the scheme included large expanses of brick. Whilst the existing garage presents a prominent blank frontage to the streetscene, the large areas of blank massing for a new dwellinghouse was considered to be stark in comparison to the adjacent terrace. In addition, it was proposed that 'fake' brick be used as cladding to some areas of the front façade.
- 9.8. Amendments were received throughout the course of the application addressing these concerns. The revised scheme incorporates opening up the main entrance so that there is no longer a covered entranceway, repositioning of the bay window further away from the neighbour. In addition, the fenestration has been improved to reduce the stark massing of brick and enhance the visual detailing/features. The 'fake' brick has been removed and the scheme is now to be wholly finished in brickwork.
- 9.9. The design would have a modern form in comparison to the adjoining terrace, however, it would also include and reflect some of the architectural features of the terrace which is considered appropriate, including a brick detail at eaves level. Whilst the proposal would have a flat roof its height would match the existing eaves of the adjacent terrace. The scheme would be subservient and would not detract from the historic design of the terrace. The proposed fenestration is modern but respects the proportions of the windows in the adjacent terrace.
- 9.10. The existing structure is unusual in the street in terms of scale and footprint and the opportunity could have been taken to address this in the streetscene, however, given the constraints of the site together with the potential to cause more harm, this was not considered appropriate in this instance.
- 9.11. The overall revised design is considered to demonstrate an appropriate design approach to this area and would successfully integrate into the existing street scene.

**Standards of Accommodation:**

- 9.12. Policy QD27 of the Brighton and Hove Local Plan, and emerging Policy DM20 of CPP2 (which can be given more weight than policy QD27) aim to secure a

good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as providing good access to natural light and air in each habitable room.

- 9.13. The Nationally Described Space Standards (NDSS), although not yet formally adopted by the Council, do provide a useful guide against which to assess the overall unit size and bedroom sizes, particularly as they are referred to in emerging Policy DM1 of City Plan Part 2 (which can be given significant weight).
- 9.14. The NDSS states that a two storey, one bed, two person dwelling should have a minimum gross internal floor area of 58m<sup>2</sup>, and a double bedroom should have a minimum bedroom size of 11.5m<sup>2</sup>. The proposed dwelling would measure approx. 60m<sup>2</sup> and the bedroom would measure 15m<sup>2</sup> and would therefore comply with the NDSS. The overall size and layout of the proposed dwelling and would provide suitable and usable accommodation throughout for a 1 bedroom property, with sufficient levels of natural light and outlook within the property .
- 9.15. Given the space constraints, the scheme only proposes a small rear outdoor courtyard as amenity space for occupants of the proposed dwelling. Whilst the outdoor amenity space is acknowledged as limited, this would not in itself be a reason to resist the proposals given the small scale of the dwelling proposed. The private amenity space provided is therefore in accordance with Policy HO5 and emerging Policy DM1 of CPP2.
- 9.16. 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 and 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.

**Impact on Amenity:**

- 9.17. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given more weight than the Local Plan policy) state 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.
- 9.18. The scheme would be built to the same footprint as the existing garage at ground floor level and would introduce a setback additional storey at first floor. The existing flat roof structure measures 2.3m in height at its most western point adjacent to the boundary of the site. The proposed development would retain its 2.3m height at ground floor level, and the first floor would be an additional 2.4m in height giving a total height from ground level of 4.7m.



- 9.19. Following a site visit, the main impact of the proposal would be on nos. 4 and 6 Tivoli Crescent directly to the north west of the application site (separated by a small alleyway and set on higher ground than the application site). There would be minimal impact on nos. 2 and 8 Tivoli Crescent.
- 9.20. It is acknowledged that the proposal would introduce additional height and massing above the existing situation in close proximity to 4 and 6 Tivoli Crescent. There is an existing stepped boundary wall which rises above the height of the existing flat roof along its western boundary with the alleyway to the west. The dwarf wall measures 0.5m at its lowest and 1.0m at its highest above the existing flat roof structure. As such, the additional first floor of the proposal would be 1.9m above the boundary wall at its most impactful, and 1.4m at its least impactful. This would be separated from the properties to the west of the site by an alleyway which has a width of 0.6m which would provide some visual separation from the rear boundaries of the Tivoli Crescent properties. Furthermore it is noted that the properties along Tivoli Crescent are set at a higher land level than the application site which somewhat naturally mitigates the impact of the proposal.
- 9.21. It should be also noted that there is a slatted fence screening above the rear boundary wall of no. 4 which would mitigate the impact of the proposal from this property. There is no additional screening at the rear of no.6 although there is significant tall foliage at no 8.
- 9.22. In consideration of all the above whilst some impact would occur, on balance, the proposal is not considered to result in an overbearing impact largely due to the separation of the site by the alleyway and the existence of the rear boundary treatments to the properties of Tivoli Crescent.
- 9.23. Due to the orientation of the site, it is acknowledged that there would be some overshadowing of the rear gardens of the properties along Tivoli Crescent, however, this would only occur in the early morning, slowly alleviating and with little/no impact by the afternoon. The living spaces in the houses of Tivoli Crescent would be unaffected by the proposal in terms of overshadowing or loss of light.
- 9.24. Whilst some harm has been identified and acknowledged in terms of amenity impacts to the rear garden areas, on balance, the harm is not considered to be sufficient enough to warrant refusal of the scheme.
- 9.25. The scheme would not appreciably impact on the amenity of no. 24 The Drove adjacent.
- 9.26. It is not considered that the scheme for 1 no. one bedroom dwelling would give rise to harmful noise disturbance within a residential area.
- 9.27. No side windows are proposed. The window to the rear at first floor would serve a bathroom and can be obscure glazed via condition. Views achievable from the front bedroom side window would not be intrusive to neighbouring properties.

- 9.28. Some concern is noted in regards to the potential for the flat roof of the building to be used as a terrace or raised amenity area. Such a use would be considered to be potentially harmful to neighbouring residential amenity and could potentially result in an incongruous appearance and therefore a condition is recommended to ensure such an area is not used without explicit consent.

**Sustainable Transport:**

- 9.29. The applicant is proposing one cycle parking space at the rear of the property in the courtyard which is welcomed. The proposed cycle parking provision complies with SPD14 Parking Standards, which states that a minimum of 1 cycle parking space is required for every residential unit. Further details are requested by condition.
- 9.30. The applicant is seeking to remove the existing vehicle access arrangements onto the adopted (public) highway. A condition and informative will be attached for the reinstatement of the redundant vehicle crossover.
- 9.31. The scheme is not considered likely to result in a significant uplift in trip generation.

**Sustainability:**

- 9.32. 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 consumption. Conditions are proposed to ensure the development meets these standards as set out in policy CP8

**10. COMMUNITY INFRASTRUCTURE LEVY**

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. It is estimated that the amount of CIL liability for this application is £5,263.29. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The site has good links to facilities including shops and is well served by public transport. Bee bricks and swift boxes / bricks shall be secured by condition.

**12. EQUALITIES**

- 12.1. New residential buildings are expected to be built to a standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. Conditions will be applied to ensure the development

complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

