

|                                      |  |                            |                          |
|--------------------------------------|--|----------------------------|--------------------------|
| <b><u>No:</u></b>                    | <b>BH2022/00673</b>  | <b><u>Ward:</u></b>        | <b>Central Hove Ward</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>   |                            |                          |
| <b><u>Address:</u></b>               | <b>10 Blatchington Road Hove BN3 3YN</b>   |                            |                          |
| <b><u>Proposal:</u></b>              | <b>Roof alterations incorporating rear dormer and 1no. front rooflight. Enlargement of existing first-floor flat to create 1no. two-bed maisonette (C3). Conversion of existing basement to create 1no. one-bed self-contained studio flat (C3). Demolition of existing single storey rear extension. Alterations to windows and doors including formation of front basement level window. Reinstatement of original raised ground floor level, with new access steps and stone paving to front curtilage.</b> |                            |                          |
| <b><u>Officer:</u></b>               | <b>Mark Thomas, tel: 292336</b>  | <b><u>Valid Date:</u></b>  | <b>24.02.2022</b>        |
| <b><u>Con Area:</u></b>              | <b>None</b>  | <b><u>Expiry Date:</u></b> | <b>21.04.2022</b>        |
| <b><u>Listed Building Grade:</u></b> | <b>N/A</b>   | <b><u>EOT:</u></b>         |                          |
| <b><u>Agent:</u></b>                 | <b>Whaleback Planning And Design 91 Boundary Road Hove BN3 7GA</b>   |                            |                          |
| <b><u>Applicant:</u></b>             | <b>Annie and Janjan Ltd C/o Whaleback Planning And Design 91 Boundary Road Hove BN3 7GA</b>  |                            |                          |

## 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 **REFUSE** planning permission for the following reasons:

1. The proposed shopfront, by reason of its raised entrance, overly large and tall shop window, poorly proportioned fascia and due to the internal floor cutting across the window, would result in an incongruous addition which would be harmful to the character and appearance of the recipient building, and the wider streetscene, in particular the terrace comprising numbers 10-16 Blatchington Road. The development would therefore be contrary to policy QD10 of the Brighton and Hove Local Plan, policy CP12 of the Brighton and Hove City Plan Part One and policy DM23 of the submission Brighton and Hove City Plan Part Two.
2. The proposed development would remove a street-level entrance to the ground floor premises, introducing steps which would represent a barrier to access a local service for local residents. The proposals are not, therefore, considered to incorporate all reasonable measures to make the shopfront accessible to all and would be contrary to policy QD10 of the Brighton and Hove Local Plan, Strategic Objective SO20 of the Brighton and Hove City Plan Part One and policy DM23 of the submission Brighton and Hove City Plan Part Two.

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. This decision is based on the drawings received listed below:

| <b>Plan Type</b>        | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|-------------------------|------------------|----------------|----------------------|
| Location and block plan | 7174/010         |                | 24 February 2022     |
| Proposed Drawing        | 7174/020         | E              | 9 May 2022           |
| Proposed Drawing        | 7174/021         | C              | 9 May 2022           |
| Proposed Drawing        | 7174/022         | E              | 9 May 2022           |
| Proposed Drawing        | 7174/024         | D              | 9 May 2022           |

## **2. SITE LOCATION**

- 2.1. The application relates to a two-storey over basement terraced property on the southern side of Blatchington Road. The ground floor is currently a commercial unit (massage therapy rooms), while the first floor is occupied as a flat, and the basement houses additional storage space for the residential use.
- 2.2. The property is outside of, but adjacent to, the Old Hove Conservation Area, the boundary of which runs along the rear boundary of nos. 2-8 Blatchington Road to the west.

## **3. RELEVANT HISTORY**

- 3.1. **BH2010/00763** Change of use from retail (A1) to massage therapy rooms (D1) (Retrospective) Approved 11.05.2010

No. 8 Blatchington Road

- 3.2. **BH2021/03588** Change of use from retail (Class E) and self-contained flat (C3) to single dwellinghouse (C3), with associated external alterations. Approved 02/12/2021

## **4. APPLICATION DESCRIPTION**

- 4.1. The application seeks planning permission to convert the basement into a self-contained flat, facilitated by alterations to the shopfront, and new windows and doors at the rear. It is also proposed to construct a rear dormer and install a front rooflight to enlarge the existing first floor flat with an additional bedroom.

## **5. REPRESENTATIONS**

- 5.1. **Fourteen (14)** letters have been received supporting the proposed development for the following reasons:
- Good design.
  - The existing building is an eyesore.
  - Good sized garden for new flat.
  - Shopfront design is fitting for the historic setting.
  - The façade will match that at no. 8 Blatchington Road.
  - Additional housing where there is a shortage.
  - The applicant has made an effort to discuss proposals with neighbours

Note: notwithstanding the number of representations in support of the application, it could not be determined under delegated powers as Councillor Nemeth is the director of the applicant company.

## 6. CONSULTATIONS

- 6.1. Sustainable Transport - Verbal Comment: No objection
- No significant increase in vehicle trips would be expected as a result of the development.
  - It would not be possible to install policy compliant cycle parking at the site.
  - The property is within the key public transport corridor.
  - The site is within a Controlled Parking Zone (CPZ) which is close to capacity (over 95%).

## 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. RELEVANT POLICIES

## The National Planning Policy Framework (NPPF)

### Brighton & Hove City Plan Part One

|      |  |
|------|--|
| SS1  | Presumption in Favour of Sustainable Development |
| CP1  | Housing delivery                                 |
| CP4  | Retail provision                                 |
| CP8  | Sustainable Buildings                            |
| CP9  | Sustainable Transport                            |
| CP10 | Biodiversity                                     |
| CP12 | Urban Design                                     |
| CP13 | Public Streets and spaces                        |
| CP19 | Housing Mix                                      |

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

|      |  |
|------|--|
| TR7  | Safe development   |
| TR14 | Cycle access and parking   |
| SU10 | Noise nuisance   |
| QD5  | Design - street frontages  |
| QD10 | Shop Fronts  |
| QD14 | Extensions and alterations   |
| QD27 | Protection of Amenity  |
| HO5  | Provision of private amenity space in residential development      |
| SR5  | Town and district shopping centres                                 |
| HE6  | Development within or affecting the setting of a conservation area |

### 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 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, Accommodation and Community                              |
| DM12 | Primary, Secondary and Local Centre Shopping Frontages            |
| DM20 | Protection of Amenity   |
| DM21 | Extensions and alterations  |
| DM23 | Shop Fronts   |
| DM26 | Conservation Areas  |
| DM33 | Safe, Sustainable and Active Travel                               |
| DM36 | Parking and Servicing   |
| DM37 | Green Infrastructure and Nature Conservation                      |
| DM40 | Protection of the Environment and Health - Pollution and Nuisance |
| DM44 | Energy Efficiency and Renewables                                  |

### Supplementary Planning Documents:

|       |                   |
|-------|-------------------|
| SPD02 | Shopfronts        |
| SPD14 | Parking Standards |

## 9. CONSIDERATIONS & ASSESSMENT

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

### **Principle of 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 proposal would provide a new flat with garden within the basement and an enlarged flat to the upper floors. The proposals would be in accordance with policy CP1 of City Plan Part 1.

### **Design and Appearance:**

- 9.6. The application site currently has a frontage with two entrances: one to the commercial unit, and one to the flat above. At ground floor level, the applicant is proposing to revise the current shopfront and undertake internal alteration to floor levels to increase head-room sufficient to accommodate a new residential unit at basement level. The lower portion of the shopfront would be glazed to provide additional light into the basement unit. Access to the existing commercial unit and the two flats would be via a single stepped access from Blatchington Road.
- 9.7. The application site is one of four within a terrace of properties with commercial uses at ground floor comprising numbers 10-16 Blatchington Road. These properties feature shopfronts with some variation but of broadly similar scale and design. The overall height and full width of the shopfronts is mirrored, along with similarly proportioned fascias and glazed shopfronts over a solid stallriser with entrance doors at street level. There is an immediately adjacent (continuation) of the terrace toward the west at 6 - 8 Blatchington Road of a smaller form than

the application site with lower roof ridges and first floors approximately 0.5m lower than the application site.

- 9.8. Policies QD10 (Shopfronts) and policy DM23 (of the emerging City Plan Part Two which can be given more weight than Brighton and Hove Local Plan Policy QD10) states that permission will be granted for a new, replacement or altered shop front provided that the shop front, among other things:
- a) "respects the scale, style, proportions, detailing, materials and finish of the parent building and surrounding buildings;" and
  - c) "has a fascia that is proportionate in depth to the scale of the shop front;"
  - e) incorporates all reasonable measures to make the shop front accessible to all."
- 9.9. It is considered that the proposed shopfront would be contrary to both policies QD10 and DM23. It would appear incongruous in the context of the terrace, with the shop window being too large in comparison to the existing adjacent terrace. It would appear significantly higher than that adjacent at no. 12 at both lower and upper parts of the window, creating a discordant relationship with the rest of the frontage to which this property relates. The internal floor height of the revised ground floor commercial unit would be above the lower level of the shop window and would visibly cut across the shop window. The new fascia would also consequently appear too small, being narrower than the building and significantly thinner vertically, departing from the relative consistency of the terrace to the east.
- 9.10. This reduction in the proportions of the fascia is necessitated by the introduction of a revised entranceway, which introduces stepped access and an entrance door approximately 1.5m above street level in order to accommodate the alterations to the internal floor and ceiling levels. This raised entrance door would, in the context of its surroundings, appear out of keeping with the remainder of the terrace to the east, and would be contrary to clause e) of Policy DM23 which requires 'reasonable measures' to make the shop accessible to all, as set out in further detail below.
- 9.11. It is noted that planning permission BH2021/03588 at no. 8 Blatchington Road (adjoining) allows the introduction of a stepped access. However, this stepped access is lower, and no. 8 does not sit within the matching terrace, being a pair of similar properties (with no. 6) which are different, most notably being less tall with fenestration sitting lower than nos. 10-16. It is also noted that that permission is for an entire residential conversion, allows for a smaller frontage window than that proposed and does not have an internal floor height which results in the floor cutting across that window. Whilst there are some similarities between the designs, there are also notable differences and the building has a different relationship to the wider terrace. Finally, as mentioned, the adjacent consent at 8 Blatchington Road accommodated the conversion to a single dwelling house and not the retention of the commercial unit so do policies QD10 and DM23 are of less relevance.

- 9.12. Overall, the proposed shopfront is considered to have a significantly detrimental impact on the character and appearance of the recipient building and the wider streetscene, though not the setting of the nearby Old Hove Conservation Area.
- 9.13. To the rear of the building changes in fenestration are proposed to facilitate the new basement flat. These comprise glazed double doors with a glazed fanlight, and a number of other windows. There is no objection to any of these proposals. To the rear roofslope a dormer is proposed. Whilst the dormer is somewhat 'boxy' in appearance, it would be appropriately sized in relation to the roofslope, and the original roof-form would remain legible. There is no objection to the dormer or to the provision of a single rooflight to the front roofslope.
- 9.14. The proposed external materials comprise timber fenestration, painted render elevations and roof tiles to match the existing. The materials are appropriate to the character and appearance of the building and the wider streetscene.
- 9.15. The applicant has submitted additional information during the course of the application in order to demonstrate that the original building form of the application site and adjacent terrace included a basement area. This is noted, but the proposed scheme is not a reversion back to the traditional form and character of the dwelling, and for the reasons above the external front alterations are not considered to be acceptable.
- 9.16. Overall, whilst the alterations to the upper flat and rear basement area are considered acceptable, the proposed shopfront and entranceway are considered to result in an inappropriate and incongruous form of development which would cause significant harm to the character and appearance of the building and the wider streetscene. The development is therefore considered to be contrary to policy QD10 of the Brighton and Hove Local Plan, policy CP12 of the Brighton and Hove City Plan Part One and emerging policy DM23 of the Brighton and Hove City Plan Part Two which can be afforded more weight than QD10.

**Standard of Accommodation:**

- 9.17. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton & Hove City Plan, policy DM1 of CPP2 proposes to adopt them and can now be given significant weight.
- 9.18. The proposed basement studio flat would have an internal floor area of approximately 51sqm. The NDSS sets out that a floor area over 50sqm is capable of accommodating a one bedroom flat with two occupiers. In terms of living areas, there would be a large open plan studio room with partitioned bathroom, and a separate kitchen. These spaces would be of an acceptable size and shape to accommodate necessary furniture and allow adequate circulation.

- 9.19. The main living/bedroom space would have a dual outlook. Facing the rear into the garden would be a set of glazed double doors with a glazed fanlight over. To the front would be a bay fronting into a lightwell. Light provision to the lightwell would be improved by the inclusion of the glazed lower portion of the new shopfront which would allow more light to penetrate into the basement area. Whilst the outlook to the front would be limited, it is considered that the main room would have adequate outlook to the rear. It is considered that the combination of the front and rear fenestration would allow sufficient light into the basement studio room. Overall, and on balance, the proposed studio is considered to offer adequate natural light and outlook for future occupiers. The proposed kitchen would feature three windows facing onto the rear garden. This room would be well served for natural light and would benefit from an adequate outlook.
- 9.20. The basement flat would have access to the rear garden. The provision of outdoor space is not untypical of what could typically be expected from a flatted development in this location.
- 9.21. The proposal to add a bedroom to the upper flat is also considered acceptable. The bedroom would be suitably sized and would benefit from adequate headroom. Outlook and natural light would be afforded from a rear dormer and front rooflight.
- 9.22. Overall, it is considered that the development would deliver an adequate standard of living accommodation for future occupiers in accordance with policies QD27 and H05 of the Local Plan and paragraph 130F of the NPPF. It is also considered that the proposals meet the standards set out to be adopted in City plan part Two policy DM1 which can be afforded significant weight.

**Impact on Amenity:**

- 9.23. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given greater weight) 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.
- 9.24. The proposed redevelopment of the building would be consistent with the mix of commercial and residential uses within Blatchington Road and particularly to the western end. The use of the basement as a studio flat is not expected to cause a nuisance to neighbouring residents or businesses.
- 9.25. Accordingly, the development is considered to be in accordance with Local Plan policy QD27 and emerging policy DM20 of the City Plan Part Two which has more weight than the retained local plan policy.

**Accessibility:**

- 9.26. Policy DM23 requires new or altered shopfronts to 'incorporate all reasonable measures to make the shop front accessible to all'. In this case, the removal of a level threshold and introduction of 1.5m height of steps to access the ground



floor commercial unit would be contrary to this requirement, making the shop less accessible for those with mobility issues. This is also contrary to Strategic Objective SO20 of City Plan Part 1 which seeks to 'contribute towards reducing inequalities experienced by different groups within the City', including through the improvement of accessible facilities and employment.

- 9.27. On this basis, the alterations to the shop front are not considered acceptable, or to incorporate 'reasonable measures' to make it accessible to all, particularly as the works would worsen the existing situation.

**Sustainable Transport:**

- 9.28. The site is located within the Key Public Transport Corridor, with easy access to bus routes into and around the city. The property is also within a short walk of Hove train station. Bikeshare and Car Club facilities are within easy reach of the site. The location of the site and the availability of a range of transport options would encourage travel other than by motor-vehicle.
- 9.29. Appropriately positioned and convenient cycle parking cannot be achieved due to physical constraints and the characteristics of the site. Given this, and the opportunities for non-car travel available for occupiers, there is no objection to cycle parking being omitted in this instance. No car parking is proposed as part of the application, and it is noted that the site is located within Controlled Parking Zone (CPZ) N. Future residents would need to apply to the Council's parking team to obtain a parking permit or join a waiting list if all permits are issued. Details of the development shall be passed to the Traffic Authority administering the Controlled Parking Zone so they can determine whether occupiers should be eligible for residents' parking permits.
- 9.30. The proposed development is acceptable in relation to transport matters and given the constraints and opportunities for active/sustainable travel is in accordance with policies TR7 and TR14 of the Brighton and Hove Local Plan. The development is also considered to be in accordance with emerging development plan policies DM33 and DM36 within the Brighton and Hove City Plan Part Two which can be given significant weight.

**Conclusion:**

- 9.31. The proposed development would provide one additional residential unit, as well as improving the accommodation provided in the existing first floor flat by introducing an additional bedroom. The provision of an additional flat is given greater weight due to the City's housing shortfall.
- 9.32. However, weighing against the development is the introduction of a poorly designed shopfront, which would cause significant harm to the character and appearance of the recipient building and the wider area, as well as disadvantaging people for whom stepped access would be a barrier to a local service. Whilst it is accepted that the proposal in this case would result in the creation of a new dwelling, it is considered that the tilted balance in favour of the provision of the new units of residential accommodation should not apply here for the reasons set out above. Paragraph 11 of the NPPF states; "permission must be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits". It is considered in this matter that it is fundamental to ensure that all development contributes positively to its setting and does not harmfully impact upon the character of an area. The Council is mindful of the approach set out within paragraph 11 and that the Framework seeks to boost the supply of homes, however, the NPPF also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve with accessibility built into design of a proposal. Good design is a key aspect of sustainable development. The Framework goes on to say that developments should add to the overall quality of the area, be sympathetic to local character and history and create places with a high standard of amenity. For the reasons given above, the Council considers that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits of housing delivery, when assessed against the policies in the Framework taken as a whole.

- 9.33. The benefits of the development are acknowledged but are considered to be significantly outweighed by the harm identified and refusal is therefore recommended.

## **10. EQUALITIES**

- 10.1. The property would replace a level threshold with stepped access to a retail/commercial unit which would present a barrier to access for some individuals.

## **11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The building is well situated for future occupants to have good access to travel options other than motor-vehicle, including nearby public transport. The rear garden would be planted which provides opportunities for improved habitat and biodiversity gains.