

<u>No:</u>	BH2016/01000	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	238 Elm Grove Brighton		
<u>Proposal:</u>	Conversion of existing house to form 2 No. one bedroom and 2 No two bedroom flats (C3) with associated alterations including erection of a part one part two storey rear extension and installation of rooflights.		
<u>Officer:</u>	Stewart Glassar Tel 292153	<u>Valid Date:</u>	18/04/2016
<u>Con Area:</u>	N/A	<u>EoT:</u>	5 August 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	DowsettMayhew Planning Partnership, 63a Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Brighton Builds LLP, c/o Dowsett Mayhew Planning Partnership 63a Ship Street Brighton BN1 1AE		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located on the southern side of Elm Grove at its junction with Hallett Road. The property itself is a two-storey Victorian end terrace with a part single/part two storey rear addition. There is a detached garage at the southern end of the site with access onto Hallett Road. The properties on Elm Grove and to the north are traditional Victorian terraces and the properties to the south in Hallett Road are more modern mid twentieth century Council housing.

3 RELEVANT HISTORY

BH2016/0999 - Demolition of existing outbuildings and erection a two storey two bedroom detached dwelling (C3) accessed from Hallett Road. Refused 07/06/2016.

BH2014/03825 - Erection of part two, part three storey rear extension and associated alterations to facilitate conversion of single dwelling house to 5 no self - contained flats. Refused 30/03/2015. Appeal dismissed 7/09/2015.

BH2014/02175 - Erection of part two, part three storey rear extension and associated alterations to facilitate conversion of single dwelling house to 5 no self - contained flats. Withdrawn 29/08/2014.

4 THE APPLICATION

- 4.1 The application is for the conversion of the existing house to form four flats. It was originally proposed to provide 1No. one-bedroom and 3No. two-bedroom flats together with the erection of a single storey rear extension and a part single/part two storey rear extension. The application has been modified and the length of the proposed rear extension reduced at first floor level and the accommodation changed to 2No. one-bedroom flats and 2No. two-bedroom flats. Neighbours were re-consulted on the amended scheme.
- 4.2 The scheme includes associated works, including the partial demolition of the existing rear extensions and the insertion of rooflights to the main roof of the property.
- 4.3 The upper floor of the part single/part two storey extension would be some 6m in length (it was initially proposed to be 8m in length) and 7.1m in height, which would be approximately 1m below the ridge of the roof of the main building. The single storey element of this extension would be some 8m in length and 3.2m in height. The single storey extension would have a flat roof.
- 4.4 The single storey rear extension adjacent to the shared boundary with 236 Elm Grove would be some 7m in length and have a flat roof.

5 PUBLICITY & CONSULTATIONS

External:

Neighbours: Two (2) letters have been received from the occupier of **240 Elm Grove** objecting to the application for the following reasons:

- The development will have negative impact on parking in the area
- The development will have a negative impact on the appearance of the building
- overlooking/loss of privacy will result.

Internal:

Environmental Health: Approve subject to conditions.

Highway Authority: Approve subject to conditions.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO9 Residential conversions and the retention of smaller dwellings

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the acceptability of the proposal in respect of policy, the design and appearance of the proposal, its impact upon the amenity of neighbours and future occupants, transportation and housing supply.

8.2 Principle of Development:

Policy HO9 of the City Local Plan seeks to ensure that the conversion of residential properties does not result in the loss of smaller dwellings/units of family accommodation.

8.3 Accordingly, only dwellings with an original floor area of 115m² or more (or with 3 or more bedrooms) are considered suitable for conversion. Furthermore, at least one unit of accommodation within any redevelopment should be suitable for family accommodation and thus have a minimum of two bedrooms.

8.4 The existing dwelling is in excess of 115m² and the proposed scheme provides 2No. two-bedroom flats, of which one is on the ground floor and has access to some outside amenity space. The amount of amenity space is considered in more detail later in this report but the principle of the building's conversion is considered acceptable.

8.5 Design and Appearance:

Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
- d) uses materials sympathetic to the parent building.

8.6 The previous scheme which was dismissed at appeal proposed a two storey rear extension across almost the full width of the property and a recessed first floor balcony within the rear portion of the roof. The extension resulted in the east flank wall of the building being some 12.8 metres in length and the ridge of the extension was some 0.2m below the ridge of the main roof.

8.7 In comparison the extension as now proposed would be a metre below the ridge of the existing main roof and would result in the east flank wall of the property being some 12.4 metres in length.

8.8 The appeal Inspector concluded that the extension would result in a building being bulkier than the neighbouring dwellings and in particular it was noted that the roof of the extension, whose design incorporated a central flat roof/crown arrangement, was unusual and would be apparent from Hallett Road. (It is noted that that scheme included a fifth flat within the roof space of this extension which has been omitted from the current proposal). The Inspector concluded that the height and length of the extension would be a dominant structure extending along the back edge of the pavement and that the roof added bulk which would be a prominent and incongruous element. Accordingly

the Inspector felt that the proposal would conflict with Policy QD14 of the Local Plan.

- 8.9 By omitting the fifth flat the current application has not needed to utilise a crown roof design and accordingly, the ridge height of the extension is now some approximately 0.8 lower than that of the previous scheme. This has helped to reduce the bulk of the building. However, the length of the eastern flank wall is very similar to the previous scheme. The Inspector considered at paragraph 7 of the decision that "...as a result of its height and length the proposed extension would compete with the scale of the host building and would be a dominant structure extending along the back edge of the pavement."
- 8.10 It is apparent from the appeal decision that both the height and length of the previously proposed extension were of concern in relation to the impact on the host building and that the roof design was an additional aggravating feature. The height of the currently proposed extension is now more in keeping with what would usually be considered appropriate for an extension given that it is stepped down from the main ridge of the house and utilises a more conventional pitched/hipped roof design. Changing the design and reducing the height of the roof in the current submission helps overcome part of the Inspector's concerns but this is only of benefit if the length is similarly reduced so that the extension as a whole is subservient to the main building.
- 8.11 Unfortunately, the proposed length of the extension has not been noticeably reduced from that of the appeal scheme. The eastern flank wall of the building will be two storeys in height for most of its length, adjacent to the back edge of the pavement. As a result, the extension will nearly double the overall length of the original house and dominate this part of Hallett Road and any views towards it. Accordingly, the resulting building will not be in keeping with the proportions of the existing building and thus would be out of keeping with the surrounding area.
- 8.12 Notwithstanding the previous appeal decision, it is considered that the proposed extension is unacceptable in its own right and will result in a flank wall which will result in an excessively long building out of keeping with the character of the area and an extension which will dominate the host building. It therefore fails to meet the requirements of policy QD14. The Inspector's comments and decision on the previous scheme merely reinforce these conclusions.
- 8.13 **Impact on Neighbours:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.14 The single storey element of the currently proposed extension would be alongside the shared boundary with No. 236. It is considered that there would be no significant impact on light or outlook to this neighbour's rear facing windows or their conservatory which is also along this shared boundary. The

two-storey element of the proposal would be set away from the shared boundary which, coupled with its orientation, is considered sufficient to ensure the extension would not appear overbearing or cause harmful overshadowing to this neighbour.

- 8.15 The previous scheme was considered to increase in the incidence of overlooking to the rear, but it was not considered that this would result in detrimental overlooking or loss of privacy due to the relationship with neighbouring properties and/or the distance from them. Although the current scheme omits the recessed roof balcony it retains the patio doors/Juliette balcony arrangement on the rear elevation at first floor level. These windows are a similar distance to the rear neighbour at 63 Hallett Road as the previous scheme and thus the incidence of overlooking of this neighbour's side patio is unlikely to be increased over that of the previous scheme.
- 8.16 As with the previous scheme the windows on the eastern flank wall would face towards Hallett Road and No.240 Elm Grove opposite. This was not a matter of concern previously at either the application or appeal stage.
- 8.17 It was previously considered that the increased activity at the site from five flats would not be likely to cause significant harm to neighbouring amenity and that there was no reason to believe the formation of additional housing units in this area would lead to harmful noise or disturbance for occupants of nearby properties. Given that the current scheme proposes one less unit it is considered that the impact has to be considered acceptable.
- 8.18 The proposal is therefore considered to be in accordance with Policies QD14 and QD27 of the Brighton and Hove Local Plan.
- 8.19 **Standard of accommodation:**
The existing building, excluding the proposed extension, is a single dwellinghouse and exceeds the size thresholds stated in Local Plan policy HO9 for conversion into smaller units of accommodation.
- 8.20 The previous scheme was refused on the standard of accommodation proposed. There was concern that the proposal would provide cramped accommodation, particularly in the bedrooms which were considered to offer limited scope for furniture/storage etc. and in some units sloping ceilings were considered likely to hinder the use of the kitchen units. The appeal Inspector addressed this issue and found that the bedrooms did provide sufficient room for furniture and belongings. In the case of the bedroom within the roof space, the sloping ceilings were not considered to be overly problematic and whilst the sloping ceilings in the kitchen areas were likely to limit flexibility in terms of layout the Inspector concluded that they would not prevent the normal range of appliances from being accommodated.
- 8.21 The current application proposes four flats, in which all but one bedroom (Unit 2, Bedroom 2) would appear to meet the minimum Nationally Described Space Standards. Whilst the overall floorspace in some of the flats appears to fall slightly below the internal floor areas recommended in the technical standards,

in view of the previous scheme and observations of the Inspector it is not considered that the individual units would be sufficiently deficient in size to warrant a reason for refusal.

8.22 Policy HO5 requires the provision of private useable amenity space in new residential development. The previous proposal provided two of the five units with garden areas and it was concluded that given the location and constraints of the site this level of provision was acceptable. The current scheme similarly allocates an area immediately to the rear of the two ground floor flats as private amenity space for these two flats. The amount of space allocated is less than the previous scheme although the remainder of the site could nominally be used as communal space whereas previously it was shown as car/cycle/bin storage. (This area was subject to planning application BH2016/0999 for a new detached dwelling which was recently refused). Cycle storage and the bin store are now shown within the front garden of the building.

8.23 The scheme provides units which do not all meet the nationally described space standards, provides very small patio gardens for two of the flats and requires a bedroom window to face directly on to the pavement at ground floor level. Individually these factors may be insufficient to warrant a reason for refusal on the standard of accommodation but collectively they are maybe indicative that the amount of development being sought for the site is more than the site can comfortably accommodate.

8.24 Housing Supply:

The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.25 The appeal Inspector noted that the previous proposal would make a contribution towards housing in the City and would be a small boost to the local economy but not sufficient to outweigh the harm caused to the character and appearance of the area.

8.26 It is considered that the proposed development would make a slightly smaller contribution to the City's housing supply than the previous scheme but the harm caused to the character and appearance of the area would be similar to the previous scheme. In these circumstances the creation of the additional units would not outweigh the harm caused.

8.27 Transportation:

The Highway Authority has concluded that there would be additional demand for on-street parking in an area of the city where there is high parking stress and that a scheme of travel plan measures should be secured, including a two year car club membership per household. No such request was made with regard to

the previous application (BH2014/03825) but that proposal included two on-site parking spaces which have been omitted from this scheme and therefore additional mitigation is required. Although no Travel Plan has been submitted with the application, the applicants have indicated that they would be willing to enter into an agreement to provide a 2 year car club membership were the application to be approved. However, the application is recommended for refusal for other reasons and therefore there is no formal agreement or mechanism in place to secure the car club membership. Therefore, in order to preserve the Council's position the application as currently submitted must technically be considered as contrary to the Council's sustainable transport strategy and thus Policy CP9 of the Brighton & Hove City Plan and Policy TR4 of the Brighton & Hove Local Plan.

- 8.28 The application indicates that six cycle parking spaces will be provided to the front of the property. This is in accordance with the minimum standard required by SPG4; however, the Highway Authority recommends that further details of the design would be required in order to comply with policy TR14 of the Brighton & Hove Local Plan.

9 CONCLUSION

- 9.1 Whilst there is no objection in principle to the conversion of the property into flats, nor is there an objection in principle to the extension of the property, it is the scale of the works proposed which is of concern. The most obvious indication of this is the physical size of the proposed two-storey extension and its visual impact upon the existing house and wider area. An extension that was more proportionate with the existing house would also have the advantage of being able to increase the standard of accommodation/amenity space provision for the individual flats. The conclusion to refuse this application is supported by the previous appeal decision and the observations of the Inspector, who noted that a similarly lengthy extension was not acceptable in terms of its visual impact.
- 9.2 In view of the above, the provision of four flats, whilst a useful contribution to the City's housing supply is not considered sufficient to outweigh the harm which is likely to be caused by the application to the character and appearance of the area.

10 EQUALITIES

- 10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

Reasons for Refusal:

1. The proposed extension would, by virtue of its length, bulk and overall scale of development relative to the size of the plot represents a form of overdevelopment that would:

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- a) appear as an unduly dominant and discordant addition which would cause harm to the established character of the street scene and surrounding area;
- b) fail to emphasise and enhance the positive qualities of the neighbourhood and represents a poorly designed development, out of keeping with its surroundings, to the detriment of the character of the area and the visual appearance of the street scene;
- c) fail to contribute positively to its sense of place.

This harm is considered to outweigh the benefit provided by the additional residential units and the proposal would therefore be contrary to Policies CP12 and CP14 of the Brighton and Hove City Plan, Policy QD14 of the Brighton and Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

2. The absence of a Travel Plan to mitigate for the on-street parking impacts which are likely to result from the proposed development is considered contrary to the Council's sustainable transport strategy and thus Policy CP9 of the Brighton & Hove City Plan and Policy TR4 of the Brighton & Hove Local Plan.

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 listed below:

Plan Type	Reference	Version	Date Received
Proposed Floor Plans	TA927/11	-	18/03/16
Proposed Floor Plan	TA927/13	-	18/03/16
Proposed Floor plans	TA927/42	A	13/06/16
Proposed Elevations	TA927/44	A	13/06/16
Proposed Elevation	TA927/45	B	15/06/16
Proposed Section & Side Elevation	TA927/46	A	13/06/16
Proposed and Previous Application Overlays	TA927/57	A	13/06/16

