

<u>No:</u>	BH2016/05889	<u>Ward:</u>	Hangleton And Knoll Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	161 Elm Drive Hove BN3 7JA		
<u>Proposal:</u>	Demolition of outbuildings and erection of 1no two bedroom dwelling (C3) incorporating new crossover.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	27.10.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22.12.2016
		<u>EoT/PPA</u>	
		<u>Date</u>	
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mr Tim Wood, 30 Montpelier Crescent, Brighton BN1 3JJ		
<u>Applicant:</u>	Ms Thalia Liebig, 161 Elm Drive, Hove, BN3 7JA		

The proposal is being determined by Planning Committee as it is an officer linked application.

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 dwelling is considered an inappropriate and cramped form of development by reason of its size and plot coverage, that would result in an uncharacteristic subdivision of the existing plot and represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary policy CP12 of the Brighton and Hove City Plan Part One.

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:

Plan Type	Reference	Version	Date Received
Location and block plan	100 PS		27 October 2016
Floor Plans Proposed	104		27 October 2016
Elevations Proposed	105		27 October 2016
Other	16/ED/120		2 November 2016

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to an end of terrace property on the corner of Elm Drive and Laburnum Avenue. The property has an existing side extension and a number of sheds in the rear garden. The site has an existing crossover at the rear of the site, accessed from Laburnum Avenue.
- 2.2 The application seeks consent for the subdivision of the rear garden and erection of a new dwelling fronting Laburnum Avenue.

3. RELEVANT HISTORY

BH2016/01264 Erection of 1no two bedroom dwelling (C3) incorporating new crossover. Refused 5/07/2016.

4. REPRESENTATIONS

- 4.1 Three (3) letters has been received, objecting to the proposed development for the following reasons:
- Loss of privacy
 - Overlooking
 - Increase in car congestion
 - Increase in parking

5. CONSULTATIONS

5.1 **Planning Policy:** No Comment

5.2 **Sustainable Transport:** Comment

Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or Informatives.

6. MATERIAL CONSIDERATIONS

6.1 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

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 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.

7. **POLICIES**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design
- CP14 Housing density

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

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

Supplementary Planning Documents:

- SPD14 Parking Standards

8. **CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of residential use of the site, the design of the new building and its impact on the character and appearance of the area, its impact on the amenities of adjacent occupiers, and the traffic implications and sustainability of the development.
- 8.2 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.
- 8.3 **Planning Policy:**
The application is a re-submission of a previously refused application (**BH2016/01264**) which sought permission for the erection of a single dwelling at the rear of 161 Elm Drive. The application was refused on the following grounds;
1. The proposed dwelling is considered an inappropriate and cramped form of development that would result in an uncharacteristic subdivision of

the existing plot and represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary policies CP12 of the Brighton and Hove City Plan Part One.

2. The proposed dwelling, by reason of its size and layout would form a cramped and poor standard of accommodation for future occupiers and is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.

8.4 The key differences between the two proposals include;

- Increasing the plot size by approximately 1m in width.
- Increasing the width of the dwelling by approximately 0.7m
- Revising the roof form to include an area of flat roof and barn hips.
- Minor internal and external alterations to dwelling

8.5 The application forms a residential plot, which is to be subdivided to create an additional plot fronting Laburnum Road on which the proposed dwelling is to be built. This part of the existing plot currently houses a number of sheds sited along the rear boundary.

8.6 The surrounding plots, are fairly uniform in size and shape, with the properties fronting Elm Drive and neighbouring streets (namely Maytree Walk) having similar scale dwellings and long rear gardens. Laburnum Avenue varies from this dominant development pattern, largely due to Goldstone Primary School and hospital grounds sited to the east. The existing bungalow directly adjoining the rear boundary of the site, forms an anomaly and planning history reveals that the bungalow was built in association with Goldstone Primary School forming caretaker's accommodation. The Bungalow is set back from Laburnum Avenue and within the school grounds and therefore does not appear overly dominant within the streetscene. It is evident on the site plan that the bungalow is set on a large plot and has a substantial garden area.

8.7 The proposed plot by reason of its limited size, despite the slight increase in width since the previous refused application, would still be of a size that is out of keeping with those in the surrounding area. The plot would appear out of character within the wider context and pattern of development. The proposed dwelling would appear cramped by reason of its plot coverage and would result in an over-development of the site. Furthermore the existing plot, due to its reduced rear garden would also appear out of keeping with the surrounding layout.

8.8 The applicant has submitted a Design and Access Statement which details a plot size comparison of nearby properties. It appears that only the amenity areas have been calculated, however it is considered that the area of the whole plots is more relevant in comparing the proposed development with the existing density and development pattern of the nearby vicinity. The properties that have been listed are 161 Elm Drive, 159 Elm Drive, 132 Elm Drive, 1 Moyne Close and The Bungalow Laburnum Avenue. Measuring the total plot area, the smallest of these examples is 132 Elm Drive, which has a total plot size of approximately 161m². The proposed plot would measure 128m². Due to the

siting of the plot, the plot size and its shape, including the limited depth and rear garden area, would be apparent and would be noticeably different from the surrounding plots which are much larger.

- 8.9 Given that the proposed site, together with the reduced size of 161 Elm Drive, is not consistent with the plot sizes and shape of those in the surrounding area it is considered an inappropriate proposal that fails to take into account the local characteristics of the surrounding area, contrary to policy CP12 of the Brighton and Hove City Plan Part One. It is considered that the density of the proposed development, indicated by the cramped appearance of the amenity space compared to the surrounding area, would be out of character with the neighbourhood.
- 8.10 The existing corners on this junction with Elm Drive, Laburnum Avenue and Maytree Walk provide visual gaps and a break in development. Where development has occurred on these corner plots it is in the form of rear garages or sheds, which appear to be ancillary to main dwellings and therefore remain subservient and do not form an overdevelopment of the existing plot. The introduction of a dwelling in this location would appear unduly dominant, resulting in a loss of the visual relief and forming an overdevelopment of the site.
- 8.11 **Design and Appearance:**
The proposed dwelling would be in the form of a barn hipped roof bungalow, with accommodation in the roofspace. Rooflights would be positioned in the front and rear roof slopes. The dwelling would be finished with render and boarding, similar to the main dwelling. The roof would be constructed using slate tiles.
- 8.12 The existing crossover would be relocated to serve the proposed dwelling and an off street car parking space would be provided.
- 8.13 Notwithstanding the fundamental issue of the subdivision of the plot, the overall design of the proposed dwelling does not raise design concerns.
- 8.14 **Impact on Amenity:**
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.
- 8.15 The proposed site has neighbouring, residential properties to the east and south that are potentially impacted by the development as well as the existing dwelling to the west.
- 8.16 The proposed dwelling would sit approximately 2m from both the east and south boundaries. Given the separation it is considered that the proposed dwelling would not cause significant harm in terms of loss of light or outlook. The

dwelling would be over 3m from the new boundary to the west. Again this separation is considered sufficient.

8.17 The ground floor windows would be screened by the boundary treatments and would not overlook neighbouring properties, including the existing dwelling 161 Elm Drive. Given the positioning and angle of the rooflights, no significant harm would be caused.

8.18 **Standard of Accommodation:**

The proposed dwelling would provide a two bed unit, with the living accommodation and a bedroom on the ground floor and a bedroom in the roofspace. The dwelling would have a floor area of approximately 70m², which is a significant increase from the floor area of the previously refused application. The revised roof form has also increased the head height for the main bedroom, which would now have an adequate useable floor area. The proposed dwelling is therefore considered to have an acceptable layout for the potential number of occupiers. The accommodation in the roofspace, whilst it would have limited head height in some areas which formed a concern for the previous application, the revised roof form and additional width has increased the overall useable space on this level.

8.19 The private amenity space provided for the size of the new dwelling is considered acceptable and in accordance with policy HO5 of the Brighton and Hove Local Plan.

8.20 The resultant garden of the existing dwelling would be substantially reduced. Notwithstanding the concerns outlined above, the new subdivided garden is considered sufficient for the occupiers of 161 Elm Drive, in terms of policy HO5 of the Brighton and Hove Local Plan.

8.21 **Sustainable Transport:**

The applicant is proposing a space containing 3 cycles for the proposed development and space for 2 cycles for the existing dwelling. It is however unclear how the cycles are covered, secured and accessed. The proposed number of cycle spaces is considered acceptable and would meet the maximum standards outline within SPD14.

8.22 The existing vehicular access on Laburnum Avenue is being relocated several metres west of its current location. This is deemed acceptable in principle; however the applicant must apply for a licence from the City Council's Streetwork's team.

8.23 The proposed relocation of the crossover means that the existing crossover is to become redundant and should be removed and the footway and kerb edge reconstructed and reinstated.

8.24 The applicant is proposing to remove the garage from the existing house and create a car parking space for the proposed new house. This proposed new space is acceptable and in line with Parking Standards SPG04.

8.25 This proposal does mean that any car parking associated with the existing house (now or in the future) is likely to be on the highway, however the likely car parking associated with the existing house is deemed unlikely to have a significant impact on the surrounding network. The level (nil) is in line with the City Council's maximum car parking standards and therefore the Highway Authority has no objection to the removal of car parking associated with the existing house.

8.26 **Sustainability:**

Policies SU2 of the Brighton & Hove Local Plan and CP8 of the City Plan Part One require new development to demonstrate a high level of efficiency in the use of water and energy. Policy CP8 requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This could be secured by condition if the proposal overall were acceptable.

9. EQUALITIES

9.1 None identified.

