

<u>No:</u>	BH2016/05739	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	57 Tongdean Avenue Hove BN3 6TN		
<u>Proposal:</u>	Erection of 1no five bedroom single dwelling (C3) with double garage, associated landscaping, replacement of boundary walls and gate.		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	18.10.2016
<u>Con Area:</u>	Tongdean Conservation Area	<u>Expiry Date:</u>	13.12.2016
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Farshid Moussavi Architecture, 66 Warwick Square, London, SW1V 2AP		
<u>Applicant:</u>	Mr Farshid Moussavi, 52 Belgrave Road, London, SW1V2DA		

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 development, by reason of its inappropriate design and detailing, including the roof form, fenestration detailing and materials, would result in a development which would fail to emphasise and enhance the positive qualities and characteristics of the area. As such the development would appear unduly dominant and incongruous within the streetscene and would be detrimental to the character and appearance of Tongdean Avenue streetscene and the wider Conservation Area, and is thereby contrary to policies CP12 and CP15 of the Brighton and Hove City Plan Part One and HE6 of the Brighton & Hove Local Plan.
- 2 The applicant has failed to demonstrate that the loss of the existing trees is appropriate as well as demonstrate any mitigation measures or replanting schemes to compensate for the loss. The proposal would therefore harm the visual amenities of the area and would be contrary to policy QD16 of the Brighton and 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 received listed below:

Plan Type	Reference	Version	Date Received
Floor Plans Proposed	FMA-283-GA-103-01		18 October 2016
Floor Plans Proposed	FMA-283-GA-104-02		15 November 2016
Floor Plans Proposed	FMA-283-GA-105-02		15 November 2016
Elevations Proposed	FMA-283-GA-106-02		15 November 2016
Elevations Proposed	FMA-283-GA-107-02		15 November 2016
Elevations Proposed	FMA-218-GA-108-02		15 November 2016
Sections Proposed	FMA-218-GA-109-01		18 October 2016
Block Plan	FMA-283-S-021-01		18 October 2016
Site Layout Plan	FMA-283-GA-100-01		18 October 2016
Site Layout Plan	FMA-283-GA-101-01		18 October 2016
Roof Plan Proposed	FMA-283-GA-102-01		18 October 2016

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to an undeveloped plot of land on the east side of Tongdean Avenue, close to the junction with Tongdean Road and within the Tongdean Conservation Area. The plot has been historically subdivided, and an existing dwelling, 57A Tongdean Avenue, is situated at the rear, 67m from the road. The plot measures 20m wide and 50m deep.
- 2.2 Tongdean Avenue is predominantly residential and comprises large detached houses of varying designs but mostly two storeys in height with brick and clay tiled pitched roofs. There is space between the buildings and the area is characterised by a green setting with many trees. The properties generally follow a building line set back from the street by 22m to 24m.
- 2.3 The application seeks consent for a two storey detached dwelling with double garage, associated landscaping and replacement of boundary and walls.

3. RELEVANT HISTORY

BH2015/02659 Erection of 1no five bedroom single dwelling with double garage to front garden of existing property. Refused 8/2/16.

BH2013/01084 Outline application with all matters reserved for the erection of a detached two storey dwelling with double garage. Approved 17/06/2013.

BH2004/01857/OA Outline application for the erection of a single dwelling with double garage. Approved 15 December 2004.

4. REPRESENTATIONS

4.1 **Three (3)** letters have been received, objecting to the proposed development for the following reasons:

- Design
- Unsympathetic materials
- Overlooking and loss of privacy
- Out of keeping with Conservation Area

4.2 **Forty-two (42)** letters have been received, supporting the proposed development for the following reasons;

- Contemporary design
- Clearing the overgrown site
- Dwelling appropriately sized and not overbearing
- Reduction in rubbish and rodent infestation on the site

4.3 A petition with 15 signatures in support of the application has been received.

5. CONSULTATIONS

5.1 **Environmental Health:** No Comment

5.2 **Arboriculture:** Objection

The Arboricultural team objection to this application as it will result in the loss of a number of trees and be detrimental to the local street scene and Conservation Area.

5.3 **Heritage:** Objection

The character of this Conservation Area, allows well designed new buildings that acknowledge the identified common architectural language of the setting to sit successfully alongside the more established properties of the area.

5.4 As with previous proposals for the development of this plot the general scale and positioning of the proposed building is considered acceptable, however it is considered that there are aspects of the proposal that contrast so significantly from the already diverse range of architectural approaches, that the result would be a prominent divergence from the established mix and would not be considered to 'preserve or enhance the Conservation Area' as required by the principal legislation.

5.5 Specifically the zinc roof would be an alien feature. 'Prominent pitched roofs' are one of the few architectural elements identified as a feature in the area and clay tiles being the most common roofing material. The shallower pitch and lack of overhanging eaves, along with the unusual material for this location would make it stand apart from its neighbours.

- 5.6 This building would also be over dominant in the street scene due to its simple plan form and roof shape, both unvaried by changes in plain, shadow lines or protrusions. In this respect the architecture does not relate its context and would be overly dominant.
- 5.7 As mentioned above, the ample screening makes an important contribution to the character of this Conservation Area. It is noted that the trees to be removed are not identified as particularly good specimens, however their impact as a green buffer is never the less important and replacement planting of a suitable nature should be required as part of any approval.
- 5.8 It is therefore not considered that this application would meet the tests of the principle legislation or national guidance, and would not comply with local policies and therefore cannot be supported in its current form.
- 5.9 **Sustainable Transport: Comment**
The Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and /or informatives.
- 5.10 **Conservation Advisory Group (CAG): Objection**
The application was introduced by Bob Ryder on behalf of the Hove Civic Society. The Group recommend refusal. It considered the design to be banal and disappointing and that it did not relate to the basic character of the conservation area and the neighbouring buildings.

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
CP15 Heritage

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

TR7 Safe Development
TR14 Cycle access and parking
QD5 Design - street frontages
QD16 Trees and hedgerows
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes
HE6 Development within or affecting the setting of Conservation Areas

Supplementary Planning Documents:

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to design of the building and the impact on the character and appearance of the Tongdean Conservation Area, its impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, and transport and sustainability matters.
- 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 **Principle:**
Outline planning permission was granted on 17 June 2013 for a two storey dwelling with side double garage. Under this application the plot was considered sufficient to accommodate a detached dwelling and the principle is established. The reserved matters included layout, scale, appearance and landscaping. The indicative plans accompanying the outline application detailed a more traditional style building with a tiled pitched roof.
- 8.4 A dwelling in this location is therefore considered acceptable in principle, however the dwelling should be well designed and appropriately scaled so as

not to be detrimental to the prevailing character of the streetscene and the surrounding Conservation Area.

8.5 This current application follows a previously refused planning application **(BH2015/02659)** for a similar development of a contemporary two storey detached dwelling. The grounds for refusal were as follows;

- a) The proposed development, by reason of its inappropriate roof form, design and detailing, would result in a development which lacks cohesion and would fail to emphasise and enhance the positive qualities and characteristics of the area. As such the development would appear unduly dominant and incongruous within the streetscene and would be detrimental to the character and appearance of Tongdean Avenue streetscene and the wider Conservation Area and is thereby contrary to policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.
- b) The applicant has failed to demonstrate that the loss of the existing trees is appropriate as well as demonstrate any mitigation measures or replanting schemes to compensate for the loss. The proposal would therefore harm the visual amenities of the area and would be contrary to policy QD16 of the Brighton and Hove Local plan.

8.6 The key differences between the current proposal and the refused application include;

- Revised roof form to a shallow hipped roof from the previously proposed roof form which included a two mono pitched roofs in a staggered arrangement.
- Revised footprint to incorporate flush front and rear facades from the previously proposed staggered building lines.
- Revised fenestration design, positioning and window proportions.
- Revised materials to include white brick.

8.7 In both the current and 2015 applications, the design of the dwelling differs significantly from the design submitted for the 2013 outline application.

8.8 **Design and Appearance:**

The site is located within the Tongdean Area Conservation Area, the character of which is one of large dwellings of varying appearance and scale, however the majority of properties share key characteristics. The Tongdean Area Conservation Area Character Statement states that 'there is a variety of architectural styles in a variety of materials, reflecting both the architectural eclecticism of the period and the manner in which they were individually commissioned and built. But the most common style is a form of Tudor Bethan or vernacular revival in brick, tile and half-timbering. There are notable common architectural features: prominent pitched roofs, chimneys and gables'. The statement also goes on to say that 'Brick and clay roof tiles are the predominant materials generally and will in some cases have been locally sourced. But throughout the area the emphasis is on good quality materials'.

- 8.9 The design of the proposed dwelling fails to incorporate key characteristics of the locality as described within the Conservation Area Character Statement. The dwelling would be of modern design constructed from white brick and slate roof. Whilst it is acknowledged that revisions have been made to the design since the previous refusal, such as the omission of the staggered footprint and staggered mono pitched roofslopes, there are still serious concerns with the overall appearance of the dwelling.
- 8.10 The Heritage Officer states that the scale and positioning of the dwelling is acceptable, however some aspects of the proposal contrast so significantly from the already diverse range of architectural approaches, that the result would be a prominent divergence from the established mix and would not be considered to 'preserve or enhance the Conservation Area' as required by the principal legislation.
- 8.11 Specifically the zinc roof would be an alien feature. As identified within the Conservation Area Character Statement 'prominent pitched roofs' are one of the few architectural elements identified as a feature in the area and clay tiles being the most common roofing material. The shallower pitch and lack of overhanging eaves, along with the unusual material for this location would make it stand apart from its neighbours.
- 8.12 The building would also be overly dominant in the street scene due to its simple plan form and roof shape, both unvaried by changes in plain, shadow lines or protrusions. The majority of properties within the streetscene provide this through projecting elements and gable features. In this respect the architecture does not relate to its context and would be overly dominant. This is also exacerbated by the shallow roofslopes which visually increases the bulk below the eaves level and results in the dwelling appearing 'boxy'. This is exacerbated by the proposed windows which, due to their large proportions, positioning and lack of detailing would add to the non-characteristic appearance and visual dominance of the dwelling. These features result in the dwelling appearing out of scale with the adjoining neighbours.
- 8.13 The proposal would therefore fail to preserve or enhance the character of the Conservation Area - as required by the Planning (Listed Building and Conservation Areas) Act 1990, or sustain or enhance the significance of the Heritage asset - as set out in the National Planning Policy Framework.
- 8.14 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercising its powers under the Planning Acts in respect of buildings or other land within a Conservation Area, the local authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. 'Preserving' means doing no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a Conservation Area. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation or enhancement of the Conservation

Area. The proposed scheme would cause significant harm to the Conservation area and it is not believed that there are any material considerations that would be powerful enough to outweigh this harm.

- 8.15 It is acknowledged that a small handful of properties have been modernised within the street, and whilst utilising modern materials (render and slate) these properties have retained pitched roofs. There is one example, 42 Tongdean Avenue (opposite the site) where the replacement dwelling has a flat roof. Whilst this dwelling does appear out of keeping with the immediate context due to the roof form, the elevation below has a more traditional and coherent appearance, achieved through the regular rhythm of the fenestration and detailing. Furthermore, in retrospect the flat roof is of little design merit, however its existence is far less conspicuous than that of the proposed dwelling.
- 8.16 Despite this example, pitched roofs are still a strong and prevailing feature within the road, and are evident on the properties either side of the application site, which due to the large plots, set the immediate context that the dwelling would be viewed within. The scheme would be contrary to policy CP12 which seeks all development to raise the standard of architecture and design in the city and conserve or enhance the city's built and archaeological heritage and its settings.
- 8.17 The submitted Design and Access Statement and the proposed visuals show a new front boundary. Insufficient details have been submitted to fully assess the appropriateness of this boundary, however the submitted visuals do indicate that the boundary would provide little screening and the dwelling would still be visually prominent within the streetscene.
- 8.20 It is proposed to install a green wall on the northern side elevation. There is no objection to this element of the scheme.
- 8.21 Standard of Accommodation:
The scheme results in the formation of a two storey dwelling with an additional basement level. The scheme proposes open plan living areas on the ground floor and basement levels and five bedrooms on the first floor. The size and layout of the dwelling would be acceptable for the potential numbers of occupiers. The ground and first floors would be served by large windows providing sufficient levels of light, outlook and ventilation into habitable rooms. The basement level would be staggered further forward than the upper floors, and a lightwell and basement level patio would provide the light and outlook to the kitchen and family room. In this case, whilst the levels of light and outlook would be restricted due to the basement siting, this layout would not cause significant harm to future occupiers who would have use of the upper living areas and would not be limited to just the basement area.
- 8.22 Policy HO5 requires the provision of private outdoor amenity space for residential development. Due to the size of the plot, adequate amenity space would be provided to meet the requirements of policy HO5.
- 8.23 **Impact on Amenity:**

The proposed dwelling would be over 40m from the existing dwelling at the back of the site 57A Tongdean Avenue, and separated by a tall boundary wall and hedgerows. The rear first floor windows whilst allowing some views towards this neighbouring property, given the substantial distance, any overlooking or loss of privacy would not be significant.

- 8.24 The proposed dwelling would be built on a similar building line as the property to the west, 59 Tongdean Avenue. There would be a separation distance of approximately 3.5m, as well as heavy planting and hedgerows along the boundary. It is therefore considered that the dwelling would not result in significant overshadowing or loss of light to this neighbouring property. There would be three upper level windows facing 59. These openings serve the bathroom and dressing rooms and are shown as obscure glazed.
- 8.25 To the east, 55 Tongdean Avenue is set much further from the shared boundary and the properties are separated by the shared driveway. Therefore it is unlikely that the proposal would have any adverse effects on this property.
- 8.26 In this location given the amount of tree coverage and landscaping, together with the alignment of the proposed dwelling with adjoining properties and the separation distances from those properties it is not considered the proposed dwelling would result in any significant loss of residential amenity.
- 8.27 **Sustainable Transport:**
The vehicular access to the garage would be from the existing shared driveway, that also serves the adjoining property 57A Tongdean Avenue.
- 8.28 The applicant has stated that four cycle parking spaces would be provided within the garage. This is in excess of the minimum standard required by SPG4. The garage is of appropriate dimensions to facilitate the storage and the arrangement would be suitable for a single private dwelling. Two car parking spaces would be provided which is also acceptable. Furthermore any overspill and any impact on the highway would be limited.
- 8.29 **Sustainability:**
Policy SU2 of the Brighton & Hove Local Plan and CP8 of the submission City Plan Part One (proposed further modifications September 2015) 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.
- 8.30 **Arboriculture:**
The site does not contain any trees protected by Tree Preservation Orders but the existing trees do contribute to the surrounding Conservation Area. The local area has good tree cover benefiting largely by virtue of the larger garden sized in the locality. The plot is a former garden, now overgrown with a good number of mainly evergreen trees.

- 8.31 The applicant has submitted an arboricultural report which highlights that 16 trees are to be felled plus some smaller younger trees in a group from the frontage. It is shown that 13 trees are to be retained, these are equally split between evergreen and deciduous species but are in the main smaller specimens and located to the rear of the site. Amongst the losses is a large Tulip tree towards the centre of the site, whilst there is some minor decay at its base along with a weak branch union, it remains a prominent tree. It is also identified that an Elm tree within the front garden, along the southern boundary is to be felled. The arboricultural report indicates that this tree is a category C tree and is of low quality with an estimated life expectancy of at least 10 years. The Arboricultural Officer has commented on the application and does not consider that any of the trees are worthy of a TPO, however their group value is considered significant.
- 8.32 The effect of the initial site clearance will denude much of the site of its tree cover. The Arboricultural Officer has raised concern that some of the trees shown for retention will be impacted upon by the construction works but more importantly will restrict the use of the garden area and light access to the dwelling. The likely longer term impact even with the proposed replacement planting is an erosion of the tree cover in the area.
- 8.33 The applicant has failed to demonstrate satisfactorily that the loss of the existing trees is appropriate as well as demonstrate any sufficient mitigation measures or replanting schemes to compensate for the significant loss of trees. Furthermore the ample screening makes an important contribution and would provide a green buffer within the streetscene for any new dwelling.
- 8.34 Whilst individually the trees on site are not of the highest public amenity they do collectively contribute to the leafy nature of the local area. This loss will have a negative effect on the Conservation Area and for these reasons the Arboricultural Officer objects to the application.

9. EQUALITIES

- 9.1 None identified