

<b><u>No:</u></b>	<b>BH2016/06251</b>	<b><u>Ward:</u></b>	<b>Rottingdean Coastal Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land At Roedean Path Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of a 2 storey plus basement dwelling (C3) with associated garden and parking.</b>		
<b><u>Officer:</u></b>	Chris Swain, tel: 292178	<b><u>Valid Date:</u></b>	25.11.2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	20.01.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Mr Mike Ford, Blakers House, 79 Stanford Avenue, Brighton, BN1 6FA		
<b><u>Applicant:</u></b>	Mr & Mrs Rowlin, C/o Morgan Carn Partnership, Blakers House 79 Stanford Avenue, Brighton, BN1 6FA		

Councillor Mears has requested the application be determined by Planning Committee

## 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 proposal to create a residential building plot and erect a dwelling would fail to emphasise and or enhance the positive qualities of the local neighbourhood and would result in an overly cramped and incongruous form of development, contrary to the siting, scale, design, plot size and coverage of the prevailing built form within the immediate vicinity and detracting from the appearance and character of the site and the wider surrounding area. The development would therefore be contrary to policies CP12 and CP14 of the Brighton & 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:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plan	1444-P-101		25 November 2017
Site Layout Plan	1444-P-106		25 November 2017

Floor Plans Proposed	1444-P-107		25	November
			2017	
Streetscene elevation proposed	1444-P-108		25	November
			2017	
Elevations Proposed	1444-P-109		25	November
			2017	
Streetscene elevation proposed	1444-P-110		25	November
			2017	
Elevations Proposed	1444-P-111		25	November
			2017	
Elevations Proposed	1444-P-112		25	November
			2017	
Elevations Proposed	1444-P-113		25	November
			2017	
Sections Proposed	1444-P-114		25	November
			2017	
Sections Proposed	1444-P-115		25	November
			2017	

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The site relates to a strip of land that fronts Roedean Path to the west and abuts the boundary of No. 2 Roedean Path to the east and the south. To the north of the site there is a twitten that runs along the rear of the properties on Roedean Terrace and a brick built substation. The site slopes down steeply from north to south and also narrows in width with the fall of the land. A white rendered wall separates the site from No.2 Roedean Path whilst a low timber staked fence demarks the site to the west and north boundaries.
- 2.2 Planning permission is sought for the erection of a two storey plus basement dwelling (C3) with associated garden and parking.

## 3. RELEVANT HISTORY

**BH2016/01981** - Erection of a two bedroom detached house (C3) over four levels with associated private garden and on-site parking space. Refused on 21 September 2016 on the following grounds;

- The proposal to create a residential building plot and erect a dwelling would fail to emphasise and or enhance the positive qualities of the local neighbourhood and would result in an overly cramped and incongruous form of development, contrary to the siting, scale, plot size / coverage of the prevailing built form within the immediate vicinity and detracting with the appearance and character of the site and the wider surrounding area. The development would therefore be contrary to policy CP12 and CP14 of the Brighton & Hove City Plan Part One.
- The proposed dwelling, by virtue of its scale, bulk, height and its raised siting, adjacent to the boundary and in close proximity to the adjoining property, 'The Outlook' No.2 Roedean Path would result in an overbearing

and overly dominant and enclosing impact to this property and its respective garden, contrary to QD27 of the Brighton & Hove Local Plan.

**Pre-Application Advice** - Proposals for new two bedroom house at Roedean Path, Brighton (land adjoining No.2 Roedean Path, 'The Outlook'), with associated works and 1 No. parking space on-site assessed via an existing vehicle cross-over.

The above relates to a formal pre application enquiry in 2014 for a new dwelling on the existing application site. The proposal was similar in site coverage to **BH2016/01981** and the current application. The Local Planning Authority outlined in an email response on 12 September 2014 that, 'it was highly unlikely that an application for a new dwelling on this site would receive planning permission' due to the limited size of the plot.

#### 4. REPRESENTATIONS

4.1 **Nine (9)** letters of representation have been received objecting to the proposed development for the following reasons:

- The proposed house would be out of character with the surrounding area
- The proposal would appear incongruous on the restricted size of the site
- Overlooking / loss of privacy to neighbouring properties and also for future occupiers of the dwelling
- The proposal would set an inappropriate precedent for squeezing new dwellings into driveways and gardens
- The bedrooms would have poor natural lighting
- The proposal is sited too close to the neighbouring property and the substation
- Concern over noise and disruption during construction
- Overshadowing to adjoining property
- The boundary wall / screening to the east of the site is with the ownership of the neighbouring property and as such it cannot be relied upon that existing or future screening will be retained
- The reasons for refusal are clearly set out in the Officer's Report of the previous application **BH2016/01981**
- Plot is far too small and would appear incongruous and ruin the surrounding neighbourhood
- The proposal is completely out of character with the area jarring with the Victorian Roedean Terrace
- Other properties in Roedean are characterised by being in large spacious plots. There is insufficient space for the proposal creating a cramped feeling on the roadway and around the terrace
- The house is too close to the pavement and the rear twitten
- This plot is ridiculously small to build a residential premises and would be overly cramped which would harm the local appearance & character of the surrounding area
- Concerns over disruption to utilities / services during the build

- It is very similar to the original planning application which has already been refused
- The Officer's Report on the last application states that the site is unsuitable for a residential dwelling
- The coastguard cottage was relevant at the time, 120 years ago and not now
- The proposal is out of character with the existing houses in the area, the land is too small to accommodate this type of development and it would impact on neighbouring homes
- The site is inadequate for a dwelling
- The use of the parking area would result in noise and disturbance and a loss of privacy to the adjoining property

4.2 **Four (4)** letters of representation have been received supporting the proposed development for the following reasons:

- Would improve the appearance of the locality by helping disguise the ugly substation
- Would be better than the alternatives of a garage or workshop
- The vacant land is an eyesore with cheap picket fencing
- The design is in keeping with many other properties in the area and will provide an interesting feature to an otherwise unsightly piece of land
- It shows how a very practical dwelling can be achieved on such a small footprint. Something perhaps we should be encouraging due to the shortage of good housing
- A very sympathetic proposal
- No reason why the little house would cause upset or inconvenience to anyone
- The building design complements the increasingly contemporary architecture in the area
- An innovative use has been found for a site that could otherwise have become an eyesore and detrimental to the neighbourhood if left as unimproved land

4.3 **Three (3)** general comments have been received stating;

- Our open view to the south is important. We would support the application subject to an open view south being retained. We quite like the idea of somebody making use of this odd piece of obscure land by creating a sub-basement area and one story above this. Any additional height should be sited behind the EDF substation
- Query involvement of Ward Councillor
- The proposed build will block and disrupt access and egress to the twitten path of Roedean Terrace houses 1,2,3,4 and 4a. The path is the only access/egress to 4a so needs to be kept clear at all times especially for fire and emergencies
- Object to the water and sewerage for the Roedean Terrace houses possibly being cut off/disrupted as it runs through the rear of the terrace properties/gardens. If the property has sub ground levels this could cause

great concern for the time amenities would be out of action especially as there are elderly/vulnerable residents

- Concern regarding health and safety issues if the access path become unstable due to the basement development

4.4 **Councillor Mary Mears:** Supports the proposal. Comments attached.

## 5. CONSULTATIONS

### 5.1 **County Archaeologist: Comment:**

It is noted the application has not been submitted with a heritage statement nor has the Historic Environment Record (HER) been consulted in accordance with Policy 128 of the National Planning Policy Framework.

5.2 The proposed development is situated within an Archaeological Notification Area defining an area of prehistoric and Romano-British burial and ritual activity. A crouched burial of probably Late Neolithic or Early Bronze Age date is recorded approximately 20m to the north-east of the site. A watching brief on post holes for a fence to the south in 2010 did not record any ancient artefacts from the arisings. However, the proposed works have the potential to expose below-ground features of archaeological interest, including human remains.

5.3 The Outlook is an early 20th century building and part of a row of Coastguard cottages, so below ground remains relating to this history of the site may also exist in the development area.

5.4 The area affected by the proposed ground works should be the subject of a programme of archaeological work. This would take the form of a targeted watching brief during ground works to enable any features with archaeological interest to be identified and recorded and either preserved in situ or where this is demonstrably not possible adequately recorded in advance of their loss.

### 5.5 **Brighton and Hove Archaeological Society: Comment:**

The above application lies within an area of intense archaeological sensitivity. Among the finds from Roedean are burials dating from the Neolithic and Early Bronze Age periods, and the location of a Roman coffin burial. In October 2003 the Brighton and Hove Archaeological Society excavated an Early Bronze Age burial, close by, on the East Brighton golf course.

5.6 Other recent discoveries include Roman coins and pottery found in the gardens of a house in Roedean Crescent, and a large underground chamber, hitherto unknown, possibly associated with Royal Navy activities during the Second World War. The Brighton and Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.

### 5.7 **Sustainable Transport: No Objection:**

Pedestrian & Mobility & Visually Impaired Access

The applicant is proposing changes to pedestrian access arrangements onto the adopted (public) highway and for this development this is deemed acceptable.

- 5.8 Although the applicant has referred to walking in the supporting evidence, they have not referred to mobility and visually impaired access. Therefore, if the planning case officer does seek a developer contribution from the applicant then it is requested that it is put towards installing a pair of dropped kerbs with paving and tactile paving if appropriate at the junction of and across Roedean Path with Roedean Crescent. This is to improve access to and from the site to the various land uses in the vicinity of the site, for example education, employment, shops, postal services, leisure, medical, other dwellings in the wider community and transport in general and at least neighbouring dwellings, post box, bus services and Roedean School.
- 5.9 **Cycle Parking**  
SPD14 states that a minimum of 1 cycle parking space is required for every two bed dwelling. The application offers space for two cycles. Further details on policy compliant provision should be sought by condition.
- 5.10 **Disabled Parking**  
The site is outside of a controlled parking zone so there is free on-street parking available. There are also opportunities, if somewhat limited, in the form of free on-street disabled parking bays in the vicinity of the site for disabled residents and visitors to park when visiting the site by car. Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. Therefore in this instance the Highway Authority would not consider the lack of dedicated for sole use on-site disabled car parking to be a reason for refusal.
- 5.11 **Servicing & Deliveries (including goods & people pick up / drop off)**  
The applicant is not proposing any significant alteration to their current servicing and delivery arrangements to this site and for this development this is deemed acceptable.
- 5.12 The applicant is not proposing any changes to vehicle access arrangements onto the adopted (public) highway and for this development this is deemed acceptable. Notwithstanding the above amendments should be sought to lower the boundary wall at least to the south of the car park if not to the north as well to improve visibility and even so the vehicle will still probably need to be reversed in to reduce the risk of an accident.
- 5.13 **Car Parking**  
SPD14 states that the maximum car parking standard for a 2 bedroom dwelling within the Outer Area is 1 space per dwelling plus 1 space per 2 dwellings for visitors. The applicant is proposing 1 car parking space for each 2 bedroom property within the Outer Area. For this development of 1 residential unit the maximum car parking standard is 2 spaces (1 per unit and 1 visitor space). Therefore the proposed level of car parking (one space) is in line with the maximum standards and is therefore deemed acceptable in this case.
- 5.14 **Trip Generation - Vehicles and Highway Impact**  
There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals. As set out previously there will be an increase in

pedestrian trip movements and pedestrian crossing improvements should be sought via a planning condition.

**5.15 Environment Health: No Objection:**

(Comments from previous application - **BH2016/01981**). A full contaminated land condition is required as the substation appears on maps as far back as 1952-1962. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

5.16 With regards to noise, given the current layout of the house with all habitable rooms (bedrooms) to the south, and stairways and bathrooms placed next to the substation, a noise report will would not be required.

5.17 Should the layout change, this the decision not to require a noise report could change.

**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
- CP1 Housing delivery
- CP2 Sustainable economic development
- CP7 Infrastructure and developer contributions
- CP8 Sustainable buildings

CP9 Sustainable transport  
CP10 Biodiversity  
CP11 Flood risk  
CP12 Urban Design  
CP14 Housing density  
CP15 Heritage

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

TR4 Travel plans  
TR7 Safe Development  
TR14 Cycle access and parking  
SU9 Pollution and nuisance control  
QD5 Design - street frontages  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes  
HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD14 Parking Standards

**8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations relating to the determination of this application are the principle of the proposed development, the impact upon the character and appearance of the area, impact on neighbouring residential amenity and the standard of accommodation, traffic implications, accessibility and sustainability.
- 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 **Design and Appearance:**  
The application follows a previous scheme for a new dwelling that was refused on the grounds that the proposal was an overdevelopment of this small site and would detract from the appearance and character of the area. The LPA considered that the site was unsuitable for a new residential dwelling. In addition there would be a harmful amenity impact on the adjoining property.
- 8.4 The design of the current scheme has been revised with the protruding top floor removed and replaced with a glazed circular lantern element. The flat roof of the

previous scheme is replaced with a part pitched, part flat roof, removing some of the height and bulk adjacent to the boundary with No.2 Roedean Path. The upper ground floor would be set in from the pavement by 0.55m.

- 8.5 The dwelling would be sited to the northernmost part of the site, abutting the west, north and east boundaries with the garden and the off-street car parking space to the south. The dwelling would be set out over three levels. The basement level and most of the lower ground floor level would be set below ground. The upper ground floor level would be partially raised due to the gradient of the land. The dwelling would be finished in white render with white framed aluminium windows and timber doors / privacy screens. The part pitched, part flat roofs would be a mix of zinc and green roofs.
- 8.6 The contemporary design is well detailed and despite the somewhat awkward form and finishing materials of the roof it does in isolation have some architectural merit. Notwithstanding the above and the reduction in height and bulk in comparison to the previously refused scheme, the proposal fails to respect the local appearance and character of the area in relation to siting, form, plot size and coverage and in this context would result in an incongruous and overly cramped development that would significantly harm the visual amenity of the site and the surrounding area.
- 8.7 The built form in the locality is predominantly characterised by large detached dwellings in substantial plots, or in the case of Roedean Terrace, a collection of two storey Victorian properties set in narrower plots with gardens to the front and rear. The uniformity of these consistent plots sizes and layouts creates a strong sense of place and it is these local characteristics that would be harmed by the addition of a dwelling on a site of this size, shape and location.
- 8.8 The siting of the proposal sits uncomfortably with the existing terrace, aligning with the rear gardens of the terrace and at a much higher ground level. The size of the plot and the site coverage in comparison to the existing built form within the terrace is also completely out of character and harms the visual amenity of the locality.
- 8.9 When compared to the predominant built form of the area, which is formed of detached houses on substantial plots the plot size appears even more alien and at odds with the housing density and spacing within the area, contrary to policy CP14.
- 8.10 The proposal is close to the pavement fronting Roedean Path and thus breaks the established building line of the original dwellings. Roedean Path has an open character flanked by garden boundaries with the built development set back inside the site boundaries and the proposed development would erode this spacious, open character.
- 8.11 The existing properties in the locality present themselves onto Roedean Way or Roedean Crescent and as such the application proposal which fronts Roedean Path has an awkward and incongruous relationship with the streetscene. It is set significantly in front of the adjacent substation to the north which is set well back

from the road and the relationship with this building accentuates this harmful impact.

- 8.12 It is noted that to gain sufficient internal floor space for a two storey dwelling that the proposal is set over three levels, with much of the building set below ground level. This further serves to demonstrate the overdevelopment of the plot in this context which is not of sufficient size to house a traditionally designed dwelling and garden.
- 8.13 To conclude, it is considered that the site is not appropriate for a residential dwelling. The proposal would fail to respect or enhance the local context and the positive qualities of the local neighbourhood and would result in an overly cramped form of development, contrary to the prevailing plot sizes and layouts within the immediate vicinity, detracting from the appearance and character of the site and the wider surrounding area.
- 8.14 **Impact on Amenity:**  
Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development 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 gradient of the land is such that the upper ground floor of the proposal would be at a similar level to the first floor of the terraced properties on Roedean Terrace.
- 8.16 The main impact would be to the adjoining property to the south east, No.2 Roedean Path which is split horizontally into two self-contained flats.
- 8.17 The previously refused application was considered to have an unacceptable overbearing and enclosing impact on this building.
- 8.18 The current proposal has been redesigned with a pitched, rather than a flat roof abutting the boundary and the removal of the top floor. It is considered that the reduction of height and bulk adjacent to the boundary is sufficient to ensure that the proposal would not result in a significantly dominant, overbearing or enclosing impact on No.2.
- 8.19 The orientation of the proposal to the north, in conjunction with the separation distance from the proposal and No. 2 would ensure that there would be no significant overshadowing or loss of light to this property.
- 8.20 Whilst the overall plot coverage remains comparable to the previously refused scheme and the siting of the unit to the rear sits uncomfortably within the existing built form any unneighbourly impact to No.2 and its respective garden would not be so significant as to warrant refusal.
- 8.21 Whilst there would be a degree of overlooking towards No. 2 Roedean Path, the closest window to the rear at first floor level and the west facing side window at this property do not serve habitable rooms. Views to the other windows to the

rear at ground and first floor level, serving a bedroom and the two respective kitchens would be of an angled nature and would be screened to some degree by the existing boundary treatments and any loss of privacy to No.2 would not be so significant as to warrant refusal. Views to the rear garden of No.2 would be angled and screened to a degree and are not considered to result in an unacceptable loss of privacy to the occupiers of this property.

- 8.22 The proposed terraced area, accessed off the main living area is limited in size and screened and this also would not result in any significant overlooking towards No.2
- 8.23 Any increased noise and disturbance to neighbouring properties is not likely to result in any significant harm to amenity.
- 8.24 The properties to the east on Roedean Terrace and their respective gardens are sited over 10m away from the proposal and there is not considered to be any significant harm to these dwellings by way of overshadowing, loss of light, outlook or privacy. Similarly, the properties to the west and north are sited a sufficient distance from the proposal to ensure that the residential amenity that they currently enjoy would not be compromised.
- 8.25 **Standard of accommodation:**  
The internal layout and floor area is considered to be adequate for a two bedroom unit and there would be acceptable circulation space.
- 8.26 The two bedrooms are at lower ground floor level are enclosed by high walls either side and only have a single aspect. Notwithstanding this, they are orientated to the south and levels of natural light and outlook are considered to be acceptable and overall the proposal provides an adequate standard of accommodation for future occupiers.
- 8.27 It is considered that the external garden area would provide adequate amenity space for future occupiers and the proposal is considered to be acceptable in this regard.
- 8.28 Whilst it is noted that there would be some mutual overlooking between the proposal and its respective garden and the rear elevation of No.2, the sunken nature of the garden and existing and proposed screening is considered to be sufficient to prevent any significant loss of privacy for future occupiers.
- 8.29 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.
- 8.30 The proposed design has significant limitations in regards to accessibility with an internal step down in the hallway at upper ground floor level and stepped access from the car space to the rear garden. As such it is unlikely that the Building Regulations Optional Requirement M4 (2) (accessible and adaptable

dwellings) could be met without significant revisions. Notwithstanding the above, whilst this is regrettable, it is noted that the nature of the development and the specific site constraints of this sloping site are such that the lack of accessibility is not so significant as to warrant refusal.

**8.31 Sustainable Transport:**

Policy CP9 of the City Plan requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

8.32 Whilst the proposal would result in an uplift of trips it is not considered to result in any significant concerns in relation to additional parking stress.

8.33 If the proposal were otherwise acceptable conditions could be attached to provide for pedestrian crossing improvements adjacent to the development site, for details relating to secure cycle storage and for revised boundary treatments to provide adequate visibility for vehicles accessing the parking area.

**8.34 Sustainability:**

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 and energy consumption. If the application were otherwise acceptable then conditions would be attached to ensure the development meets these standards as set out in policy CP8.

**8.35 Environmental Health:**

It is noted that there is a substation to the north of the site and there is the potential for localised land contamination. If the site were otherwise acceptable a condition requiring a full land contamination study would be required.

8.36 Habitable rooms are orientated to the south and it is not considered that the substation would result in any significant harm to residential amenity by way of noise and disturbance and the application is acceptable in this regard.

**8.37 Archaeology:**

The site is located within an area of intense archaeological sensitivity. If the application were otherwise acceptable a condition would be attached requiring a full programme of archaeological works, in the form of a targeted watching brief during ground works to enable any features with archaeological interest to be identified and recorded and either preserved in situ or where this is demonstrably not possible adequately recorded in advance of their loss. in accordance with policy HE12.

**8.38 Other Considerations:**

Representations made relating to the supply / disruption of utilities are not material planning considerations.

**9. EQUALITIES**

9.1 There are concerns regards access for those with mobility issues and this is outlined in the amenity section of the report.