

No:	BH2016/02957	Ward:	Westbourne Ward
App Type:	Full Planning		
Address:	FIRST FLOOR FLAT, 84 New Church Road, Hove		
Proposal:	Conversion of semi-detached residential rear garage into study with toilet/shower room and replacement of garage door with glazed doors. (Retrospective).		
Officer:	Ryan O'Sullivan, 290480	tel:	Valid Date: 18.08.2016
Con Area:	N/A	Expiry Date:	13.10.2016
Listed Building Grade:	N/A	EOT:	
Agent:	Barlow & Associates Ltd. 7 Vernon Street Derby DE1 1FR		
Applicant:	Mr Eldad Aizenberg, 1st Floor Flat, 84 New Church Road, Hove, BN3 4FN		

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 **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.
Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	-	-	17 August 2016
Existing Floor Plans and Elevations	HOVE1	-	9 August 2016
Floor plans and elevations proposed	HOVE2	-	9 August 2016
Block Plan	HOVE3	-	9 August 2016
Design and Access Statement	-	-	9 August 2016

- 2 The study with shower/toilet room shall only be used for purposes incidental to the main residence of First Floor Flat 84 New Church Road.
Reason: In order to protect the amenities of neighbouring properties and in accordance with policies QD27 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. SITE LOCATION & APPLICATION DESCRIPTION

2.1 The application site is located at the southern side of New Church Road, at the junction with the top of Langdale Gardens. The site is not within a conservation area, and there is not an Article 4 Direction in place.

2.2 Planning consent is sought retrospectively for the conversion of a semi-detached residential garage (accessible only from Langdale Gardens) into a study, featuring a toilet and shower room. A single roof dome atop upstand has been installed centrally to the felt flat roof, and the garage door has been supplanted by four full-height glazed timber-framed doors, painted white.

3. RELEVANT HISTORY

3.1 None identified.

4. REPRESENTATIONS

Seven (7) letters of representation have been received objecting to the development for the following reasons:

- Belief that the converted garage will be rented out as self-contained living accommodation, a holiday let, or office
- Increased noise and disturbance as a result of increased traffic requiring parking spaces on the road
- Out of keeping with the style and character of other properties in the area

5. CONSULTATIONS

5.1 **Sustainable Transport:** No Objection

Whilst one of the garages has been removed, the area of hardstanding remains. As a result, the existing crossover is not redundant and it is considered that the likelihood of displaced or additional demand for on-street parking will be limited. It is also noted that the site is within a Controlled Parking Zone which will assist in managing any additional demand that does arise. In any case, it is not considered that this demand would be of a level that could be deemed to amount to a severe impact in this location and therefore warrant refusal on these grounds under the National Planning Policy Framework (NPPF).

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

CP9 Sustainable transport

CP12 Urban design

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

TR7 Safe Development

QD14 Extensions and alterations

QD27 Protection of amenity

Supplementary Planning Guidance:

SPD14 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 impact of the external works upon the appearance and character of the site and wider area; whether the intended use should be considered as incidental in purpose in relation to the main residence; the impact upon the amenities of surrounding occupants; and transport considerations, with specific regard to impacts upon on-street parking capacity within the surrounding area.

8.2 **Design and Appearance:**

The single roof dome atop upstand is centrally located within the felt flat roof, with limited public views to it as a result of the parapets to the front of both semi-detached garage-buildings, which are themselves set back some 7.5m from Langdale Gardens.

- 8.3 Whilst the four doors installed visually distract in the sense that one would expect to see a normal garage door akin to that of the adjoining retained garage, their proportions and external details are considered to be in general keeping with the character of the area, and are not considered to cause significant harm to the appearance of the building.
- 8.4 In summary, the external works are not considered to cause significant harm to the appearance and character of the site and wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan.
- 8.5 **Proposed Use**
A number of letters of objection have been received asserting concerns that the converted garage could be used as standalone accommodation, either as a holiday let or for longer term tenancy, or that the building may be leased out as commercial office space. Many of the subsequent concerns with regards to increased noise and disturbance, and increased pressure upon on-street parking, are in part derived from these understandably cautious assumptions.
- 8.6 The applicant has stated that the converted space is intended to be used as a study room, with occasional business meetings (one a month), and occasional counselling/therapy sessions (2 times a week, no more than 50 minutes each, for 1 or 2 clients per session). The applicant's ongoing health concerns have prompted the installation of the shower/toilet, in the context of the necessary walk around to the main residence of the First Floor Flat 84 New Church Road.
- 8.7 Whilst the concerns of the surrounding occupants are recognised, it is considered reasonable to assess the proposed use at face value as described by the applicant, and it is considered that this represents an incidental use in relation to the main residence. Should the intended use alter into something non-incidental, then this would require a new application and full consideration.
- 8.8 **Impact on Amenity:**
The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, disturbance, outlook and privacy following a site visit and no significant harm has been identified.
- 8.9 It is considered that any additional and intermittent traffic generated by the proposed incidental use would be unlikely to result in a harmful increase in noise disturbance to surrounding occupants.
- 8.10 **Sustainable Transport:**
In concurrence with the comments of the Sustainable Transport team, it is considered that the proposed incidental use as described would be unlikely to generate significant additional demand for on-street parking within the immediate vicinity.
- 9. EQUALITIES**
- 9.1 None identified.

