

<b><u>No:</u></b>	<b>BH2017/02137</b>	<b><u>Ward:</u></b>	<b>Preston Park Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land To Rear Of 62-64 Preston Road Brighton BN1 4QF</b>		
<b><u>Proposal:</u></b>	<b>Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations.</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 293335	<b><u>Valid Date:</u></b>	26.06.2017
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	21.08.2017
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Bold Architecture Design Ltd 14 Gladys Road Hove BN3 7GL		
<b><u>Applicant:</u></b>	Mr R Little Mulberry House 1A Surrenden Crescent Brighton BN1 6WE		

## 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 four storey extension, by reason of its excessive height, depth, roof form, detailing and materials represents an excessively scaled addition that is bulky, unduly dominant and forms an overdevelopment of the site. The proposal fails to respond to the surrounding context and development pattern and fails to relates to main building and adjoining development. The proposal is therefore significantly harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.
- 2 The proposed extension, by reason of its excessive height, depth and bulk as well as its proximity to neighbouring dwellings, would result in a significant loss of light and outlook, particularly in reference to the rear windows of the existing flats within 60, 62 and 64 Preston Road. The mass and scale of the extension would also result in an overbearing and oppressive impact to 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 3 The proposed extension, by reason of the positioning of the south facing windows and rear balconies, would result in a significant loss of privacy and overlooking as well as a perceived sense of overlooking to the adjoining properties to the south, in particular 60 Preston Road. The proposal would therefore cause significant harm to the amenity of adjoining occupiers and would be contrary to policies QD14 and 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. 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 Plan	GA01		26 June 2017
Floor Plans Proposed	GA05	B	26 June 2017
Floor Plans Proposed	GA06	B	26 June 2017
Floor Plans Proposed	GA07	B	26 June 2017
Elevations Proposed	GA08	B	26 June 2017
Elevations Proposed	GA09	B	26 June 2017
Elevations Proposed	GA10	B	26 June 2017

## **2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application site is located on the rear yard to the rear of 62 - 64 Preston Road which is on the corner with Ditchling Rise.
- 2.2 62 - 64 Preston Road is a three storey building with a basement. The building has a shop within the basement and ground floor with residential accommodation on the upper floors which is similar to the adjoining building at 60 Preston Road. The site is not within a Conservation Area.
- 2.3 The application seeks to erect a four storey building with an extended basement forming one two bedroom flat and three one bedroom flats following the demolition of the current projection to the rear of 62 Preston Road.
- 2.4 The application is a resubmission of a previously refused scheme. The applicant has not sought any pre-application advice prior to submitting this current application.

## **3. RELEVANT HISTORY**

**BH2016/06407** Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations. Refused 21.04.2017 for the following reasons:

1. The proposed three storey building with habitable accommodation in the roof and basement, by reason of its excessive height, depth and roof form represents an excessively scaled addition that is bulky, dominant and an overdevelopment of the site. The proposal is harmful to the character and appearance of the host building and street scene and is contrary to policies CP12 of the Brighton and Hove City Plan Part One and QD14 of the Brighton & Hove Local Plan.

- 2 Due to the positioning of the proposal with the host building, the outlook and amenity of the residents within the rearward bedrooms on the first and second floors within the host building, as well as the rearward bedrooms on the first and second floors of the adjoining 60 Preston Road, would be adversely affected contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

#### **4. REPRESENTATIONS**

- 4.1 Ten (10) letters have been received, supporting the proposed development for the following reasons:

- Effective use of the site
- Tidy up the area

- 4.2 Nine (9) letters have been received, objecting to the proposed development for the following reasons:

- Overshadowing
- Loss of privacy
- Out of scale
- Overlooking
- Detrimental effect on the visual amenity
- Out of character
- Highway safety
- Lack of parking

#### **5. CONSULTATIONS**

- 5.1 **Sustainable Transport:** Comment

No Highway objections subject to the inclusion of the necessary conditions including cycle parking and car free housing,

#### **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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- 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
- CP8 Sustainable buildings
- CP9 Sustainable transport
- CP12 Urban design

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

- TR7 Safe Development
- TR14 Cycle access and parking
- QD5 Design - street frontages
- QD14 Extensions and alterations
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

#### Supplementary Planning Documents:

- SPD12 Design Guide for Extensions and Alterations
- SPD14 Parking Standards

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the effect on the street scene as well as the impact on the host building, the residential amenity of the neighbouring residents, the residents within the proposed development and the well-being of the residents in the host building's upper levels.
- 8.2 The City Plan Part 1 Inspector's Report was received in February 2016. The Inspector's conclusions on housing were to agree the target of 13,200 new homes for the city until 2030 as a minimum requirement. It is against this minimum housing requirement that the City's five year housing land supply position is assessed annually. The most recent land supply position was published in the 2016 SHLAA Update (February 2017) which demonstrates a 5.6 year supply position. The Council can therefore demonstrate an up to date housing supply position in accordance with the NPPF.
- 8.3 **History of the Site:**  
As detailed above, a similar development has recently been considered by the Planning Committee in April 2017 and was refused. Whilst the principle of additional development was not rejected at the site, there were significant concerns regarding the appearance of the development and the impact on

amenity of existing residents. The key differences between the refused scheme and the current application include:

- Redesigned roof form resulting in a set back from the edges of the floors below, clad in zinc.
- Alterations to cycle store on the ground floor.
- Reduction of the number of openings on the north elevation (fronting Ditchling Rise).
- Set back to the first and second floors on the south west corner of the extension (where it adjoins the main building)
- Enlargement of the rear bedrooms of no. 64 - extending into the proposed extension and a new side openings fronting Ditchling Rise

8.4 It has also come to light since the previous application that No. 60 Preston Road contains residential uses on all floors, including two ground floor self contained flats and a maisonette on the upper floors. The previous application only references the upper maisonette. Council Tax records and further investigations into the internal layout substantiate how the ground floor level is currently being used. The impacts on these neighbouring units are considered below.

8.5 **Design and Appearance:**

The proposal seeks permission for a four storey rear extension, largely infilling the rear garden area of 62 and 64 Preston Road. Concerns were previously raised within the Officers report in respect of the excessive height, depth and inappropriate roof form.

8.6 It is considered that the modest revisions as outlined above to the scheme have failed to satisfactorily address these concerns.

8.7 The surrounding area is characterised by rows of three storey Victorian Terraces. Preston Road, forms a main thoroughfare, with this section of the road containing ground floor commercial units and residential above. Ditchling Rise predominately contains residential properties. Overall, the area has a strong coherent rhythm and character, with uniformed plot sizes and layouts. The application site is located on the junction of Preston Road and Ditchling Rise and at some point in the past, the two properties 62 and 64 Preston Road have been amalgamated across the ground floor, but the upper floors remain separate. The rear gardens of this terrace are visible from Ditchling Rise and provide a break and relief between the developments fronting the two roads. This is a common scenario within the immediate vicinity, and adds to the sense of rhythm and spacing of the area.

8.8 At their meeting held on 12th April 2017, the Committee expressed concerns over the proposed roof form and detailing of the extension, and despite noting that the site might have the potential for development, the application was refused in line with Officer recommendation. As a response, the eaves height is now similar to that of the main dwelling and windows aligned on a similar line to the main dwelling.

- 8.9 It is considered that these revisions, still fail to mitigate the overall harm caused by the mass and scale of the extension and the previous grounds for refusal. The revised roof form, described as a 'pod' within the submission, appears as an additional storey with a large expanse of flat roof, which fails to relate to the main dwelling and characteristics of the surrounding properties, which predominantly have traditional hipped roofs, and therefore jars with the main dwelling. Whilst this design solution can sometimes be acceptable, it is considered that in this instance it would be a highly noticeable and incongruous feature of the extension which would be exacerbated by the use of the zinc cladding that would only be broken up by small areas of glazing.
- 8.10 The extension would appear disjointed from the main dwelling, due to the substantially different roof form as well as the contrived design of the 'link' element with the inset corners of extension. In addition, the proposed rear balconies, located on a highly prominent elevation are uncharacteristic of the surrounding area and in this instance would be an additional feature that would jar with the host property and surrounding buildings.
- 8.11 Despite the revisions, it is considered that the proposal would significantly disrupt the rhythm of the surrounding area and due to its excessive size, height and contrived footprint, would appear overly dominant and enclose this valuable spacing. The four storey appearance of the extension would exacerbate the dominance of this feature and would appear out of scale with the main dwelling and the surrounding development. The irregular footprint of the extension would also be highly evident from within Ditchling Rise due to the prominent corner location. The resultant lack of sufficient garden space would also be evident and uncharacteristic of the area where plots are of similar sizes. All of these factors underline the limitations of the plot and the difficulty in achieving an acceptable development.
- 8.12 Overall, it is considered the proposed extension would appear overly prominent by reason of its excessive size, form and design, sitting in stark contrast to the surrounding development. Due to its appearance and design features the development would appear out of character and incongruous with its surroundings. The proposal therefore harms the character and appearance of the existing property, Ditchling Rise streetscene and the surrounding area.
- 8.13 **Standard of Accommodation:**  
All proposed flats would have acceptable layouts and adequate levels of light and outlook. The scheme includes 1no. two bed maisonette over the ground and basement levels. The bedrooms would be located within the basement and would have sliding doors on to a small outdoor patio. Given the land level changes to the rear, the bedrooms would have sufficient light and outlook. The ground floor would be served by side windows, the north side windows would be sited adjacent to the pavement. Only one of these windows would serve a habitable room and it is proposed that the bottom half of this window would be obscure glazed to protect the privacy of the occupiers. It is considered that this a suitable solution to mitigate any harm. The overall size of this unit would satisfactorily meet the recommended room sizes as outlined within 'The Nationally Described Space Standards'.

- 8.14 The upper floor flats would all be one bedroom units and would range between 54m<sup>2</sup> and 42m<sup>2</sup>. The smallest unit, located on the third floor is showing a single bedroom and on this basis the minimum size for a 1 bed 1 person unit is 39m<sup>2</sup>. The units therefore meet the recommended minimum standards. All of these flats would have sufficient light and outlook.
- 8.15 The upper flats would not be provided with any outdoor amenity space, however given the size of the units and the central location, this would not be an uncommon scenario within the immediate vicinity.
- 8.16 **Impact on Amenity:**  
The concerns of the last application centred around the impact of the extension on the rear windows of No. 60 located on the upper floors of the main building serving the upper maisonette and the impact on the rear windows/rooms of the host property.
- 8.17 **Impact on neighbours:**  
Given the proximity of the extension to this neighbouring property, coupled with the excessive height and bulk, the proposal is still considered to cause significant harm to the outlook and light of these rear windows.
- 8.18 The proposed windows within the southern elevation would look directly towards No. 60 and given the positioning of the upper windows, directly towards the properties further south in the adjoining Preston Road terrace, some of which have residential amenity areas. It is therefore considered that these openings would result in loss of privacy and overlooking.
- 8.19 It has also come to light since the previous application that the ground floor of no. 60 is in residential use. The proposed extension would be sited approximately 1.7m from the shared boundary with No. 60 Preston Road. It is therefore also considered that the extension would have a significantly harmful impact to the ground floor units and the rear garden. Previously, this concern did not form a reason for refusal due to the assumption that the ground floor was in use as a commercial unit and would not cause any harm to the occupiers living conditions. The extension would have a maximum depth of 13.5m and would have a maximum height of 12.2m, the scale and mass of the extension would therefore be substantially overbearing and oppressive to the residential occupiers of the ground floor, including the rear amenity space, and would result in a loss of light and outlook.
- 8.20 The rear balconies, whilst the positioning may restrict direct overlooking, their elevated location and lack of screening could result in a perceived sense of overlooking for the adjoining residential amenity areas, further detracting from the amenity of these properties.
- 8.21 **Impact on existing building/occupants:**  
The amenity of the existing building 62-64 Preston Road is also considered. No 62 has rearward windows directly adjacent to the proposed extension and the impact on these windows previously formed a reason for refusal. Despite the

revisions to the proposal, it is considered that these main windows would still be significantly affected in terms of loss of light and outlook, therefore harming the amenity currently enjoyed by the occupiers of these flats. The upper flats within No. 60 would lose their rearward windows due to the position of the extension. These windows currently provide light and outlook to the entire room that they serve. The relocation of these openings around a corner would provide an indirect source of light and outlook and would leave some areas of the room feeling dark and gloomy, to the detriment of the occupiers.

- 8.22 The property at the rear of the application site, 10 Ditchling Rise, is orientated side onto the site. However despite the mass and scale of the proposed development, the separation distance is considered sufficient and the proposal is therefore unlikely to impact on the side windows of this property, which in any case appear to be secondary openings.
- 8.23 The residents on Ditchling Rise that face the proposal currently enjoy a generous outlook and privacy due to the distance from their frontage to the rear of the buildings opposite. The proposal whilst it would dominant the views opposite these properties, given the separation, it is considered that no significant harm would occur. Regrettably the height of the proposal could restrict the entry of sunlight during the middle of the day in ground and basement flats opposite but this would not be considered enough reason to refuse the application.
- 8.24 **Sustainable Transport:**  
The applicant is proposing 6 cycle parking spaces, however the Transport Officer has raised a concern that two of the racks would not be suitable. The development could comfortably accommodate the required number of cycle spaces and therefore if the proposal were acceptable on all other grounds, a condition could be attached requiring further details to be submitted for approval.
- 8.25 The development would not be provided with any off-street parking. However, there already appears to be a high demand for on-street car parking in this controlled parking zone (J) area. With no on-site car parking proposed there is the potential for flats to increase further the apparent high demand for on-street parking in this area. Directly opposite the site there is a free on-street disabled parking bay, a free motorcycle parking area and provision for paid short-term parking. Therefore if the proposal were acceptable, a condition would be attached to ensure that the development remains car free.
- 8.26 There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.
- 8.27 The Transport Officer has requested that the condition be attached to any approval to secure improvement works to nearby junctions to mitigate the impacts of the development. It is considered that if this was felt reasonable and

necessary, this could also be conditioned if the application were to be recommended for approval.

**8.28 Sustainability:**

CP8 of the Brighton and Hove City Plan Part One requires new development to achieve 19% above Part L for energy efficiency, and to meet the optional standard for water consumption. This can be secured by condition in the event permission is granted.

**9. EQUALITIES**

9.1 None identified.

