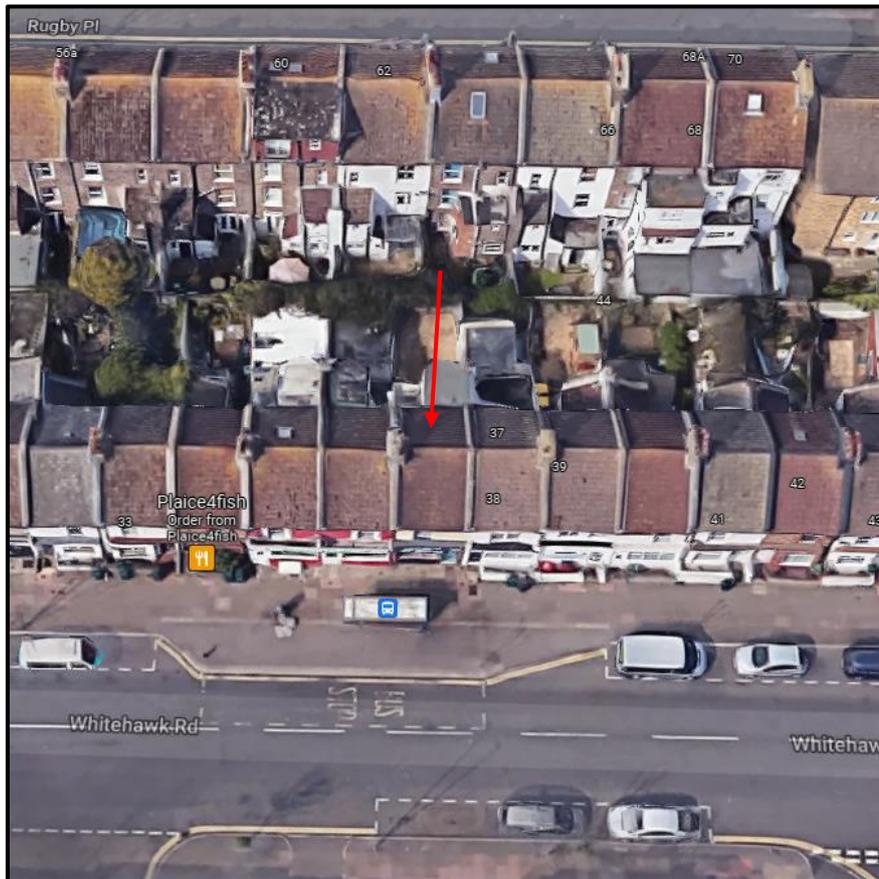


Planning Statement

SITE ADDRESS: 37 WHITEHAWK ROAD, BRIGHTON, BN2 5FB



APPLICATION TYPE: PLANNING PERMISSION

ON BEHALF OF: HARRINGTONS PROPERTY INVESTMENTS LTD

OCTOBER 2021

Client: Harringtons Property Investments Ltd
Site Location: 37 Whitehawk Road, Brighton, BN2 5FB

Job History:

Version	Date	Author	Checked	Notes
V1	29/10/21	PJ	client	

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1.0 INTRODUCTION & SUMMARY

- 1.1 This statement is submitted on behalf of Harringtons Property Investments Ltd in support of the application for planning permission relating to the site at 37 Whitehawk Road, Brighton, BN2 5FB.
- 1.2 Planning permission is sought for: *Single-storey extension to ground floor office (E Class) and first floor extension and loft conversion to create one-bedroom flat (C3).*
- 1.3 This statement should be read in conjunction with the application form, sustainability checklist and drawings.
- 1.4 The application drawings (provided by Tim Deacon Architect) are:
- 103.EX.01a: Existing plans, section, elevations and site plans
 - 103.PL.01: Proposed plans, section, elevations and site plans
- 1.5 This statement demonstrates that planning permission should be granted for the improved commercial space and new dwelling. Analysis is provided of:
- The site and area
 - Relevant planning history
 - The proposed development
 - Relevant planning policy
 - Retention of commercial space
 - Creation of residential dwelling
 - Design and appearance
 - Neighbouring amenity
- 1.6 This statement will show that:
- An existing commercial premises will be retained and improved to the benefit of the city's economy.

- A new good-quality dwelling will be provided in a suitable, sustainable location during a period of shortfall in housing delivery.
- The rear extensions and loft conversion are well-designed, scaled and detailed in relation to the host building and area.
- No harm will be caused to the amenity of neighbours or the visual character of the area.

2.0 SITE DESCRIPTION

2.1 37 Whitehawk Road is an existing two-storey, mid-terraced shop building. At ground floor it presents a glazed shopfront with fascia board and front door set to the side. The first floor is of painted render with a single window surrounded by decorative dressing. The building has a pitched tile roof with proud firewalls either side. To the rear is a two-storey outrigger with bay window at first floor. Beyond which is a paved yard.



(37 Whitehawk Road: Google Streetview)



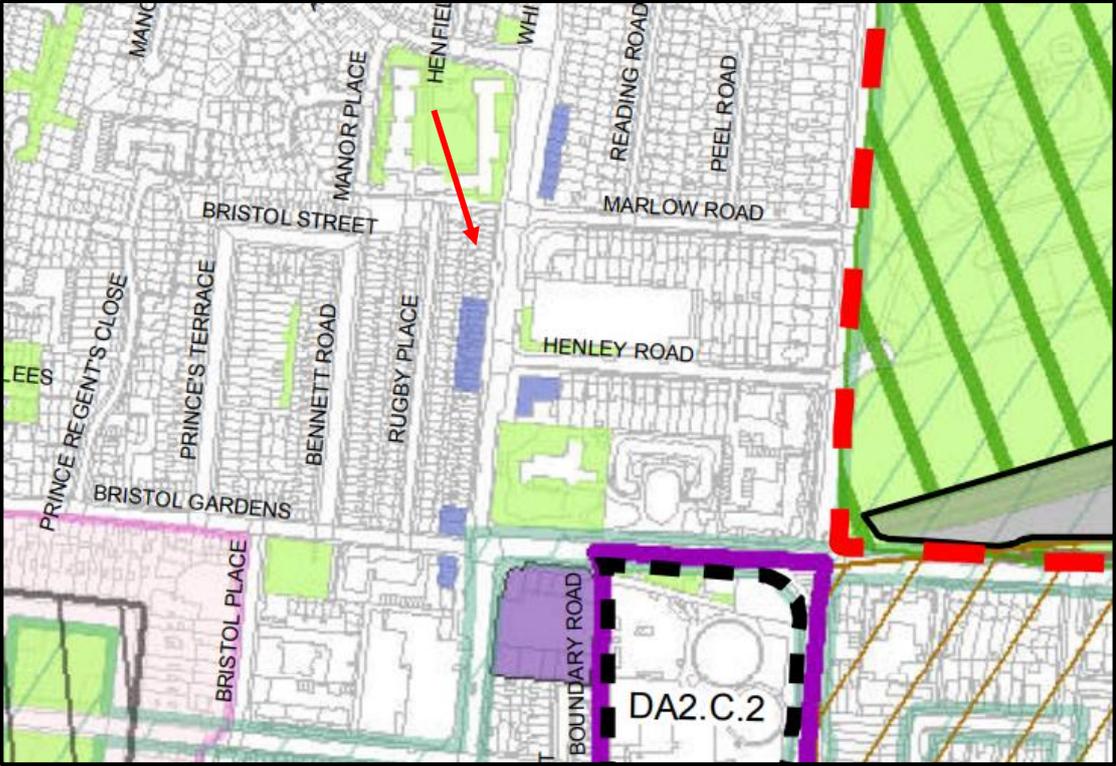
(Rear of 37 Whitehawk Road and neighbours: Google Earth)

- 2.2 The building is currently vacant. Most recently, the building was in use as a bakery (E class) selling bread and pastries. The ground floor comprised the shop area to the front, with staff kitchen to the rear. The first floor was formally used as ancillary office, storage and staff bathroom. However, the Applicant understands the first floor has been used as occasional residential accommodation.
- 2.3 37 Whitehawk is amongst a long terrace of matching domestically scaled buildings on the western side of Whitehawk Road. The central portion of this terrace contains varied small shops, cafes, hairdressers and pharmacies. The central portion is defined as a local shopping centre in the City Plan.



(Whitehawk Road terrace: Google Streetview)

- 2.4 The site is outside the defined local shopping centre. North and south of the defined centre, the terraced buildings are a mix of fully residential and commercial at ground floor with residential above.
- 2.5 The City Plan Policies Map confirms 37 Whitehawk Road is within the built-up area boundary, outside of the local shopping centre and outside of any conservation area.



(Extract City Plan policies map)

3.0 RELEVANT PLANNING HISTORY

- 3.1 There are no planning applications relating to 37 Whitehawk Road listed on Brighton & Hove City Council's online planning register.

4.0 PROPOSED DEVELOPMENT

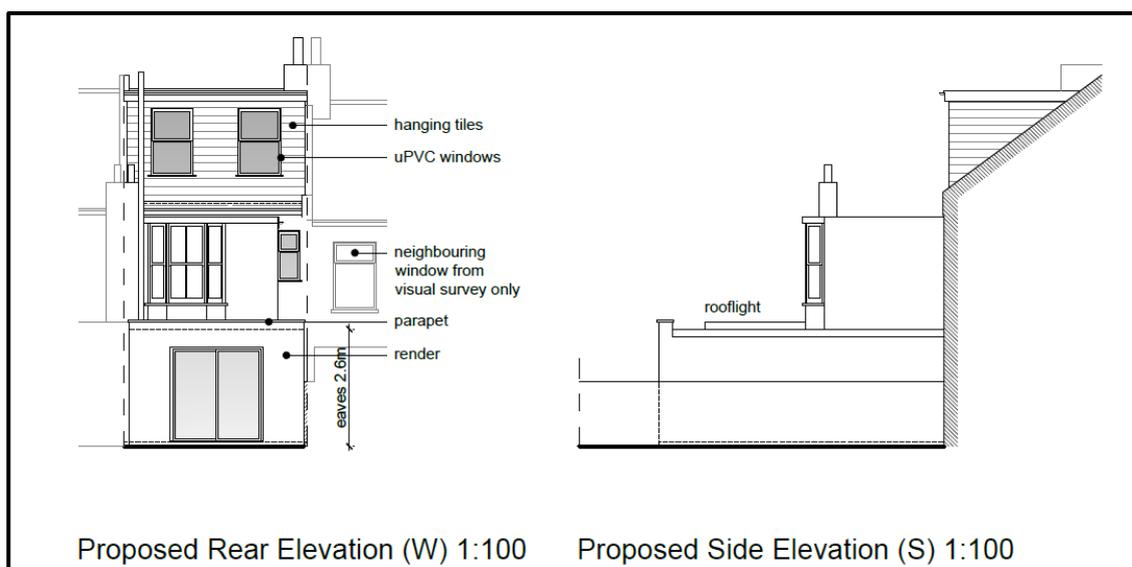
4.1 The proposed development consists of the following elements:

- Single-storey rear extension to enlarge the ground floor commercial space
- Use of the ground floor commercial space as an office (E Class)
- First-floor extension to outrigger to enlarge proposed residential kitchen
- Loft conversion comprising rear dormer and two front rooflights
- Creation of self-contained one-bedroom flat (C3) at first and second floor

4.2 The first floor appears to have been previously used as a residence. However, there is no council tax record of a flat at first floor nor any associated planning permission or lawful development certificate. The Applicant has recently acquired the building and wishes to regularise and improve the existing situation.

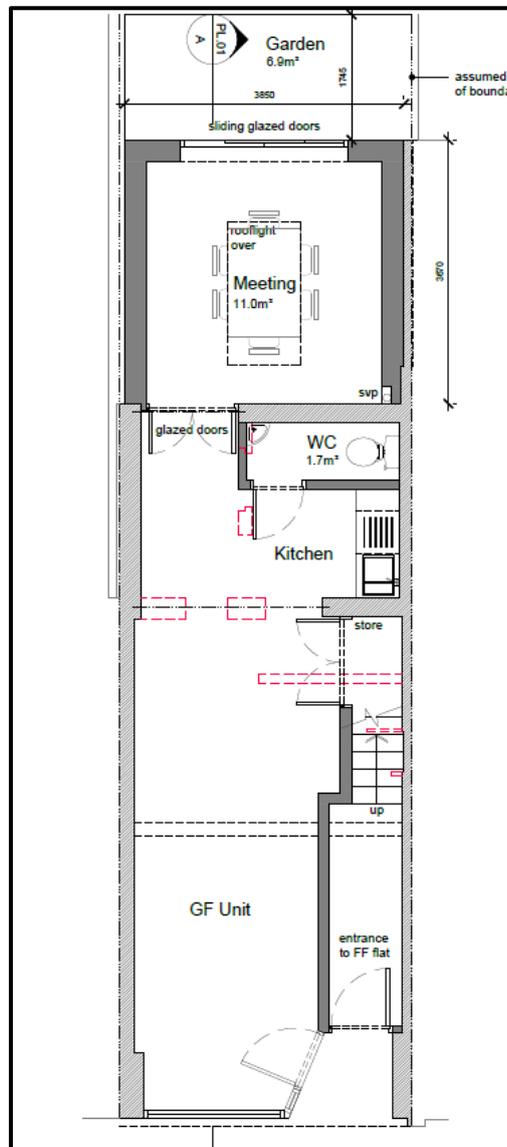
4.3 Consequently, the development comprises a change of use from ancillary retail space to a dwelling.

4.4 The single-storey rear extension will be finished in matching painted render, protrude 3.67metres from the main building and be 2.6metres high to the flat roof. There would be a large rooflight within the flat roof and sliding glazed doors overlooking the retained yard.



(Proposed rear and side elevations)

- 4.5 The Applicant intends to use the ground floor as an office. As a shop and office are now within the same use class (E) no change of use would occur.



(Proposed ground floor plan)

- 4.6 The first-floor extension would widen the outrigger by 980mm and extend to the depth of the existing wall (2.6metres). The existing window would be replaced by a smaller window serving a bathroom internally.

- 4.7 A flat roofed box dormer with two large rear-facing windows would create a habitable second floor. Natural light and outlook would be enhanced by two rooflights to the front roof plane. The dormer would be hung in tile to match the existing roof.
- 4.8 The one-bedroom / one-person flat created would provide 46.9m² of space over first and second floor. The flat would comprise open-plan living and dining room, bathroom and kitchen at first floor. The second floor would provide a single bedroom with built in wardrobe.

5.0 RELEVANT PLANNING POLICIES

5.1 The following policies of the Brighton & Hove City Plan Part One are relevant to this application:

CP1: Housing delivery – The Council is to make provision for at least 13,200 new homes during the plan period, 2010-2030. Included within this provision is an allowance for 1250 windfall homes on unallocated sites within the built-up area.

CP2: Sustainable Economic Growth – promotes inward investment and seeks to retain existing businesses and support indigenous business growth and support the diversification of the city's economy to ensure its resilience and versatility.

CP3: Employment land – safeguards employment sites and premises to meet the needs of the city to 2030 to support job creation, the needs of modern business and the attractiveness of the city as a business location.

5.2 The following saved policies of the Brighton & Hove Local Plan 2005 are relevant:

QD14: Extensions and alterations – requires alterations to existing buildings to be well-designed, sited and detailed, take account of spacing between buildings and use sympathetic materials.

QD27: Protection of Amenity - seeks to protect the amenity of existing and future occupiers of sites and neighbouring premises affected by development.

5.3 The following Supplementary Planning Document is relevant:

SPD12: Updated Design Guide for extensions and alterations – provides detailed guidance on suitable extensions and alterations to buildings.

5.4 The following paragraphs of the National Planning Policy Framework 2021 are relevant to this application:

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

Paragraph 120: Planning policies and decisions should:

- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)*

6.0 PLANNING ASSESSMENT

6.1 The main considerations in this proposal are: the improvement and retention of commercial space; the creation of a new dwelling; quality of residential accommodation; the design and appearance of the extensions; and neighbouring amenity. These considerations are assessed below.

Improvement and retention of commercial space

6.2 The ground floor of 37 Whitehawk Road has most recently been used as a shop. The Applicant intends to use the ground floor as an office. As shops and offices now fall within the same use class (E – Commercial, business and service uses) planning permission is not required for the office use.

6.3 The proposed rear extension will increase the usable floor space at ground floor. As indicated on the plans the extension would provide a meeting room. The meeting room would benefit from high levels of natural light through the large rooflight and glazed doors. It would complement the main office space within the main part of the building, creating a good-quality commercial space.

6.4 By retaining and improving an existing commercial premises the scheme complies with City Plan Policies CP2 and CP3.

Creation of new dwelling

6.5 The creation (or regularisation) of the one-bedroom flat above the shop is acceptable in principle for three compelling reasons.

6.6 Firstly, a new dwelling is proposed within an established residential area, inside the built-up area boundary. The new dwelling will make a useful contribution to the windfall allowance that forms a key part of planned housing delivery within City Plan Policy CP1.

6.7 Secondly, the Council cannot currently demonstrate a five year supply of housing land. The latest SHLAA Update, published in February 2021, confirms there is a shortfall of 342

homes against the five year requirement for 2020-2025. The five year housing land supply is currently 4.7 years.

- 6.8 In this circumstance, NPPF paragraph 11 dictates that the *tilted balance* in favour of new housing should be applied and planning permission granted unless any adverse impacts significantly and demonstrably outweigh the benefits. There are no adverse impacts that outweigh the benefit of providing a new dwelling in a suitable location at a time of identified housing shortfall.
- 6.9 Thirdly, the NPPF explicitly promotes the use of under-utilised buildings to provide new housing. Paragraph 120 of the Framework confirms the use of space above shops is a positive example of how this can be achieved.

Quality of residential accommodation

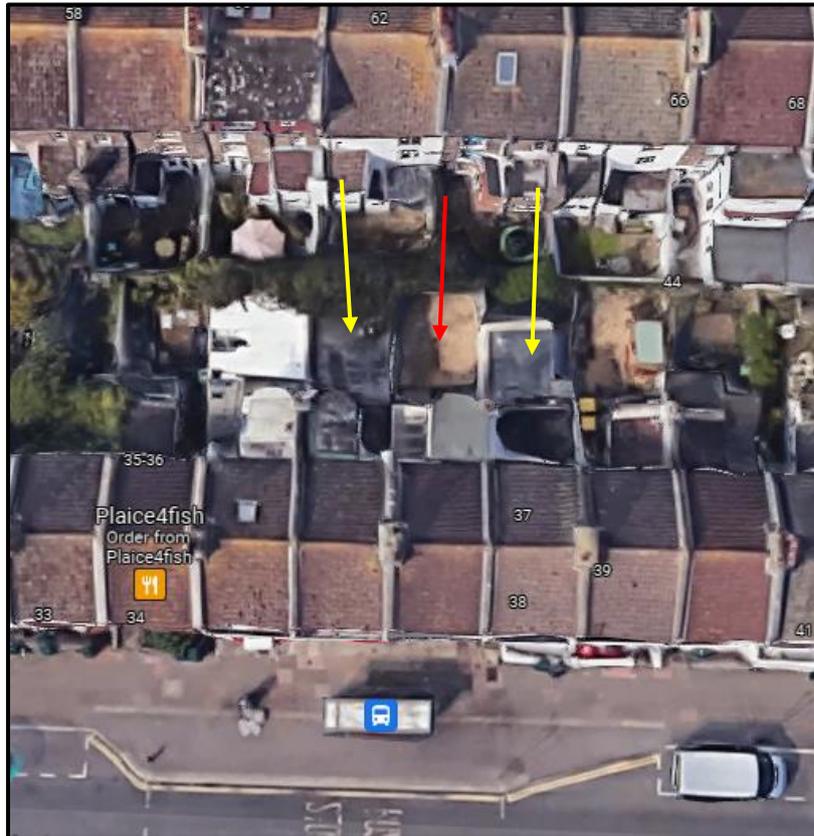
- 6.10 The first-floor extension and loft conversion will create a good-quality dwelling providing future occupiers with suitable living conditions. The flat will have a spacious open-plan living and dining area, bathroom, separate kitchen and large single bedroom. All rooms within the flat would have high levels of natural light and outlook through relatively large windows. The kitchen would have the existing west-facing bay window, the living and dining room would be served by the existing front window. Whilst the bedroom would have a large west-facing window and two rooflights.
- 6.11 The flat would provide 46.9m² of floorspace over the two floors. The size of the flat therefore compares favourably with the Nationally Described Space Standards, which require a one bedroom, one person flat to be at least 37m². It is acknowledged this Standard relates to a single storey dwelling. However, there is no according Standard for a one-bedroom dwelling over two storeys and the Standards are not locally adopted policy.
- 6.12 As such, the new flat will provide suitable living conditions that will protect the amenity of future occupiers in accordance with Local Plan Policy QD27.

Design and appearance

- 6.13 The ground-floor rear extension is subserviently scaled in relation to the host building. It will align with an existing extension to the neighbouring property no38 Whitehawk Road. A usable area of yard will be retained to avoid overdevelopment of the plot. The rear extension would be finished in painted render to match the existing building ensuring a sympathetic appearance.
- 6.14 The first-floor extension is similarly proportionate to the main building being only a small addition. Whilst it would require the existing first floor window to be made smaller, the improvement to the internal space mitigates any concern as to visual impact. There is a variety of alterations and extensions to the rear of properties within the terrace. These existing alterations are of varied quality. The proposal would be a good example of an extended building within this context. That these extensions are to the rear of the terrace building means they would not be visible from the public domain in any case. Thus, any visual impact is minimal.
- 6.15 That the proposed dormer is to the rear roof slope also limits any potential visual impact. SPD12 acknowledges this fact. In accordance with SPD12 the dormer is up from the eaves, down from the ridge and will be finished in hung tile to match the main roof. It is acknowledged the dormer would not be set in from the sides of the roof. However, the full width provides better internal space and there are existing examples of full width dormers in the area, most notably on Rugby Road.
- 6.16 For these reasons, the proposed extensions are acceptable and comply with Local Plan Policy QD14.

Neighbouring Amenity

- 6.17 The proposed ground-floor extension will adjoin similar extensions to the neighbours either side and will therefore avoid any overbearing impact.



(Existing rear extensions to neighbours: Google Earth)

- 6.18 The first-floor extension would move built form closer to a neighbouring window at no 35-36. However, outlook from this neighbour's window is already prejudiced by an extraction flue associated with the fish and chip shop kitchen. The Applicant understands this window serves a room used for storage, despite there being a flat at first floor of no 35-36. Therefore, the extension would not lead to loss of outlook from a habitable room.



(Extraction flue next to neighbour's window)

- 6.19 The windows within the proposed dormer would not give rise to an unexpected level of overlooking within this dense urban context.
- 6.20 Thus, no harm would be caused to the amenity of neighbours in further accordance with Local Plan Policy QD27.

7.0 CONCLUSIONS

- 7.1 Planning Permission is sought for *Single-storey extension to ground floor office (E Class) and first floor extension and loft conversion to create one-bedroom flat (C3)* at 37 Whitehawk Road, Brighton.
- 7.2 The site is close to but outside of the defined local shopping centre at Whitehawk Road. The ground floor is currently vacant. When last in use it served as a bakery shop. The first floor was used as associated storage and an occasional residence.
- 7.3 The Applicant who has recently acquired the site seeks to regularise and improve the existing situation.
- 7.4 The improvement and retention of the commercial space at ground floor supports the sustainability of the city's economy and complies with City Plan Policies CP2 and CP3.
- 7.5 The principle of providing a flat here is acceptable for the following compelling reasons. A new dwelling is proposed within the built-up area at a time of identified housing shortfall. The *tilted balance* in favour of new housing and presumption in favour of sustainable development as dictated by the NPPF should apply here. In addition, the creation of a flat above a shop makes efficient use of an under-utilised building to meet housing needs, which is explicitly supported by the NPPF.
- 7.6 The new one-bedroom flat proposed would provide spacious accommodation with high levels of natural light and outlook and complies with Local Plan Policy QD27.
- 7.7 The rear extensions and loft conversion are well-design, sited and detailed in relation to the main building and other examples of similar extensions in the immediate context. As such, Local Plan Policy QD14 is complied with.
- 7.8 No harm would be caused to neighbouring amenity through the ground floor extension, as it would adjoin existing extensions to the neighbours either side. The first-floor extension is permissible despite moving built form closer to a neighbour's window. As the window in question is already prejudiced by a flue to its host building. The loft conversion would not

give rise to any unacceptable overlooking. Thus, the amenity of neighbouring residents will be protected in accordance with Local Plan Policy QD27.

- 7.9 For these reasons Brighton & Hove City Council is respectfully requested to grant Planning Permission for the proposal without undue delay.