

Planning Committee

Date: **8 January 2025**

Time: **2.00pm**

Venue **Council Chamber, Hove Town Hall**

Members: **Councillors:** Loughran (Chair), Allen (Deputy Chair), Earthey, Galvin, Nann, Robinson, Shanks, C Theobald, Thomson and Winder

Conservation Advisory Group Representative

Contact: **Shaun Hughes**
Acting Democratic Services Manager
01273 290569
shaun.hughes@brighton-hove.gov.uk

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AGENDA

49 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (d) All Members present to declare any instances of lobbying they have encountered regarding items on the agenda.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

50 MINUTES OF THE PREVIOUS MEETING

7 - 18

Minutes of the meeting held on 4 December 2024.

51 CHAIR'S COMMUNICATIONS

52 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 3 January 2025.

53 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

54 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

Public Speakers Note: Any persons wishing to speak at a meeting of the Planning Committee shall give written notice of their intention to do so to the Democratic Services Officer 4 working days before the meeting (the Committee usually meet on a Wednesday, which means the notice has to be **received by 12 noon the preceding Thursday**).

To register to speak please email Democratic Services at: democratic.services@brighton-hove.gov.uk (Speakers are allocated a strict 3 minutes to address the committee. If more than one person wishes to speak, the 3 minutes will need to be shared, or one person may be elected by communal consent to speak for all).

MINOR APPLICATIONS

A	BH2024/02331 - 9 The Upper Drive, Hove - Full Planning	19 - 36
B	BH2023/02742 - Les Reveurs, 17B Meadow Close, Hove - Full Planning	37 - 54
C	BH2024/02461 - 42 Waterloo Street, Brighton - Full Planning	55 - 68
D	BH2024/01873 - Studio Workshop at Rear 49 Elm Drive, Hove - Householder Planning Consent	69 - 84
E	BH2024/00553 - 149 Surrenden Road, Brighton - Householder Planning Consent	85 - 96
F	BH2024/02132 - 14 Nicholson Place, Rottingdean - Householder Planning Consent	97 - 108

INFORMATION ITEMS

- 55 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **109 - 110**
(copy attached).
- 56 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **111 - 112**
(copy attached).
- 57 APPEAL DECISIONS** **113 - 116**
(copy attached).

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at: <http://www.brighton-hove.gov.uk>

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting. Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested. Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

FURTHER INFORMATION

For further details and general enquiries about this meeting contact Shaun Hughes (01273 290569 - email shaun.hughes@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Date of Publication – Tuesday 17 December 2024

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 4 DECEMBER 2024

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Loughran (Chair), Earthey, Galvin, Nann, Robinson, Shanks, C Theobald, Thomson, Winder and Sheard (Substitute)

Officers in attendance: Jane Moseley (Planning Manager), Chris Swain (Planning Team Leader), Katie Kam (Lawyer), Charlie Partridge (Assistant Planning Officer), Jack Summers (Planning Officer), Michael Tucker (Senior Planning Officer) and Shaun Hughes (Democratic Services Officer)

PART ONE

37 PROCEDURAL BUSINESS

a) Declarations of substitutes

37.1 Councillor Sheard substituted for Councillor Allen

b) Declarations of interests

37.2 Councillor Earthey declared that they had submitted comments and photographs relating to item 43: Rights of Way Definitive Map Modification Order, however, they remained of an open mind on the application. Councillor Earthey also noted that they had been lobbied by residents regarding Brighton Gasworks. Councillors Winder and Galvin noted that item A was in their ward, however they remained of an open mind. Councillor Loughran stated that they were a member of the Ramblers Association and in relation to item 43, they remained of an open mind.

c) Exclusion of the press and public

37.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

37.4 **RESOLVED:** That the public are excluded from Part Two item on the agenda.

d) Use of mobile phones and tablets

37.5 The Chair requested that Members do not use mobile phones during the meeting, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

38 MINUTES OF THE PREVIOUS MEETING

38.1 **RESOLVED:** The committee agreed the minutes of the meeting held on 6 November 2024.

39 CHAIR'S COMMUNICATIONS

39.1 There were none.

40 PUBLIC QUESTIONS

40.1 There were none.

41 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

41.1 Councillor Earthey requested a site visit to item C: BH2024/01289: Land to the rear of 15 Dean Court Road, Rottingdean. Councillor Theobald seconded the request. The committee did not agree with the suggestion by 2 for, 3 against and 5 abstentions.

42 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

42.1 The Democratic Services officer called the agenda applications to the committee. The following items were *not* called for discussion and were therefore taken to be agreed in accordance with the officer's recommendation:

- Item E: BH2024/02094: 44 Saxon Road, Hove

All other applications were called for discussion.

A BH2023/01058 - 15-26 Lincoln Cottages, Brighton - Full Planning

1. The case officer introduced the application to the committee.

Speakers

2. Liz Cooke addressed the committee on behalf of local residents and stated that they were aware of the context of the application, and they were generally pleased with the new consultation and the changes made. The new community garden and removal of the bungalow from the scheme were welcomed, however, access to the garden was not clear and only mentioned by the case officer. Parking was a serious concern, as 16 new units with parking permits would be an issue. Parking in the area is a major issue and the access would be very narrow for vehicles. The suggested heat source pumps would be noisy therefore insulated sound boxes are requested.

3. Oliver Milner acting as the agent on behalf of the applicant stated that the development was on a council allocated site for new homes and was a terrace of houses. Following engagement, the development was reduced from 9 to 8 units: the bungalow was removed, and the land given over to a new community garden which increases separation distances with the existing properties. Replacement trees are to be planted, and the bin store is to be repositioned. The net gain on biodiversity has been increased. The development will have Green Technology and meet Future Home standards. The development will be car free, and no parking permits will be issued. It was noted the local community supported the development and the scheme delivered much needed new homes.

Answers to Committee Member Questions

4. Councillor Sheard was informed that the landscaping would be covered by condition, as would the lighting of pathways, and the Environmental Health team will be consulted. The landscaping master plan includes 1m high bollards, details of which will be submitted by condition.
5. Councillor Robinson was informed that the new residents will be responsible for maintaining the community garden. The councillor was informed that the use of the garden by existing residents and if there were a lease agreement was not a planning matter.
6. Councillor Galvin was informed that who had access to the community garden was not a planning material consideration.
7. Councillor Theobald was informed that the access to the development would be too small for cars, and parking permits were not restricted by condition, however, they were managed by the parking team. Following the viability assessment the planning inspector recommended a standard contribution to affordable housing. It was noted that the heat pumps will be installed and were considered to cause no harm to the new and existing residents.
8. Councillor Shanks was informed that the first scheme granted planning permission was not viable, therefore the bungalow has been removed from the development. The agent noted that this reduction in units allowed more money to be put into the new community garden.
9. Councillor Robinson was informed by the agent that the since the planning appeal, community engagement has increased, and the developer will continue to liaise with existing residents. It was noted that conditions cover the impact on neighbours during construction.
10. Councillor Winder was informed that it was not a reasonable requirement for the agent to agree to use of the new community garden by existing residents.
11. Councillor Nann was informed that it was outside of the consideration process to ask the applicant to talk to existing residents.

Debate

12. Councillor Theobald considered it would be a shame if existing residents were not able to access the new community garden. Affordable housing would have been good; however, it was noted that the development was allowed at appeal. The councillor was not happy with the whole scheme.
13. Councillor Thomson considered the developer had liaised with the community and reduced the scheme. The councillor supported the application.
14. Councillor Robinson considered it to be a shame the affordable housing contribution had been reduced; however, the application was better than before. The councillor supported the application.
15. Councillor Sheard considered the reduction in affordable housing contribution was a shame. The councillor considered the scheme to be decent and they supported the application.
16. Councillor Earthey considered it was a shame the affordable housing contribution was reduced. The councillor considered the new community garden should be for the use of new and existing residents. The councillor supported the application.
17. Councillor Galvin considered the new community garden should be for the use of new and existing residents.
18. Councillor Winder considered that the developer should continue to liaise with the existing residents regarding the access to the new community garden. The councillor supported the application.

Vote

19. A vote was taken, and the committee voted unanimously to grant planning permission.
20. **RESOLVED:** Transport and access: That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out thereafter, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 26 February 2025 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 12 of the report.

B BH2024/01723 - St Margarets, High Street, Rottingdean, Brighton - Full Planning

1. The case officer introduced the application to the committee.

Speakers

2. Bill Ainscow addressed the committee as an objecting resident and member of the tenant's association, supported the case officer's recommendation. It was noted that the application site was a fine example of Art Deco architecture, and the state of the original building was important. A second aerial on top of the building would not be good. The

roof of the block of flats as an amenity space for residents and any loss would not be acceptable. It was considered that radiation levels will be increased by the application. It was a concern that if planning permission were granted then the telecom company could increase the size of the aerial at any time. The resident considered other locations were available.

3. Ward Councillor Fishleigh addressed the committee and stated that they considered there was a telecom 'merry-go-round' in Rottingdean. It was noted that a temporary mast had been erected and allowed until 2025. The mast would then be removed leaving residents struggling for connection. The South Downs National Park and a locally listed building will be affected by the application. Should the aerial be refused, then a new location should be found by consultation with the community and ward councillors.
4. Simon Bucknell addressed the committee as the agent acting on behalf of the applicant and stated that providing coverage was a duty and St Margarets was the obvious choice. The location needs to be effective as 'EE' have taken over as emergency services provider and no service will affect blue light services. Under the code of practice, the location is suitable as it has an existing aerial and is an existing building. Free standing masts are against policy. The appearance of the aerial will be less than shown in the case officer presentation and will not be visible from the front façade of the building. There will be no lasting impact on the building. It was also noted that access to the roof space is limited anyway.

Answers to Committee Member Questions

5. Councillor Shanks was informed that for a radius of 27 - 30m around the existing aerial no access was allowed unless it was turned off. The resident stated that the roof terrace had been used since 1938, however, at this time the railings were not safe and were awaiting repair. Once repaired there was an intention to return to using the roof terrace.
6. Councillor Robinson was informed by the agent that other sites had been looked at and the Tesco store had been considered, however, this would require a 10m base mast as the building was low down in the topography of the village.
7. Councillor Earthey was informed that the White Horses pub was no longer a suitable location as the roof was not capable of supporting a mast. The agent confirmed that access to the roof terrace was restricted by the existing antennae.
8. Councillor Thomson was informed by the agent that clearance above ground level was required for a mast, and this was not achievable on the Tesco store site. The car park used by the temporary mast was not suitable either. The best site was St Margarets as it was the highest.
9. Councillor Galvin was informed that the leaseholders would be aware of the application. It was noted that the correct certificates were issued.
10. Councillor Robinson was informed that a 10m high mast on top of the Tesco store would be too heavy. St Margarets is the prime location. The temporary car park location is not suitable as the loss of parking spaces and visual impact were not acceptable.

11. Councillor Loughran was informed that no important views were affected. St Margarets is locally listed. The effect on the South Downs National Park was considered to be neutral. The only impact was on the building itself. Some weight was given to national networks; however, other locations need to be explored. It was noted that the aerial had no screening, and no alternatives have been offered.
12. Councillor Nann was informed that the application would be re-assessed if refused and new locations submitted.
13. Councillor Sheard was informed by the agent that ground clearance was needed, and the topographic slopes of the village affected the choice of locations. The car park site would need raising.

Debate

14. Councillor Theobald considered the building to be lovely and would look ugly if the application were allowed, and result in a loss of amenity for residents. Alternative sites need to be found.
15. Councillor Earthey stated they supported the officer recommendation to refuse planning permission. It was considered that other sites had not been explored. The temporary mast needs to be removed, and a new location agreed by all parties.
16. Councillor Shanks was minded to accept the application as they considered telecoms to be vital and Rottingdean should have good access. The aerial will not be seen from local area and the heritage assets will not be affected. The councillor was against the officer recommendation to refuse the application.
17. Councillor Sheard stated they understood the residents view and higher locations needed to be found.
18. Councillor Robinson supported the officer recommendation to refuse the application and considered alternative locations needed to be looked at.
19. Councillor Thomson supported the officer recommendation to refuse the application.
20. Councillor Loughran supported the officer recommendation to refuse the application and considered alternative sites needed to be found.

Vote

21. A vote was taken, and by 8 to 2 the committee agreed with the officer recommendation to refuse planning permission.
22. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons given in the report.

C BH2024/01289 - Land to the Rear of 15 Dean Court Road, Rottingdean, Brighton - Full Planning

1. The case officer introduced the application to the committee.

Speakers

2. James Halls addressed the committee on behalf of the neighbouring residents and stated that nine letters of objection have been received since the application was amended. The development was considered incongruous and higher than the existing garage. It was noted that policies have changed, however, the development will be outstanding in the location. The white and cream render will look out of place. The small garden left after the development will feel cramped on the plot. Numbers 13 and 17 will be overlooked. The case officer did not visit neighbouring properties. The development will have an adverse impact on the area. The committee were requested to defer the application till a site visit could take place.
3. Julie Lawrence of Rottingdean Parish Council addressed the committee and stated that they considered the development to be against policy S1 and does not meet others. The scheme will be an over development of the site, which should not be considered as an infill development. There have been 150 new builds in Rottingdean, and the Parish Council have supported them. This development will equal a loss of amenity space and increase density. The application contravenes policy. The Parish Council object to the scheme.
4. Ward Councillor Fishleigh addressed the committee and requested a site visit by members. They considered the development would affect the neighbours and they should have been visited. The councillor did not consider this to be an infill development, and it would be disappointing to have the scheme granted permission. The application offers only one house. It was considered that if refused, the applicant could go to appeal, and the inspector would make the decision.
5. The case officer noted that two additional letters of representation were received, and these appeared on the Late List. A site visit had been carried out, and even though the neighbours were not visited the views were seen. There are tree protection measures in place by condition. The development is considered by planning officers to be an infill development.

Answers to Committee Member Questions

6. Councillor Theobald was informed that the previous application in 2004 was an outline application only. The first-floor accommodation has been removed. The rear garden is 85sqm, with a front garden of 50sqm.
7. Councillor Winder was informed that the overall plot size was considered acceptable.
8. Councillor Loughran was informed that the proposals would not be visible from Dean Court Road. The upper parts of the development would be visible from Gorham Avenue above the existing boundary fence.

Debate

9. Councillor Earthey stated they would vote against the application. They considered the topography of the site was misleading and a site visit was recommended. The proposals will not help the housing crisis, and this was not an infill development.
10. Councillor Shanks considered the definition of infill development fitted the scheme and this was a good use of space. The councillor supported the application.
11. Councillor Robinson agreed more housing was needed and they supported the application.
12. Councillor Loughran considered the one storey height to be good and the parking to be well hidden, however, the appearance was not right.
13. Councillor Winder raised concerns regarding building standards and the loss of land to the original dwelling.
14. Councillor Theobald was torn as they noted only two objection letters, no first floor and not much garden.

Vote

15. A vote was taken, and by 7 to 2, and 1 abstention the committee agreed to grant planning permission.
16. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

D BH2024/01717 - 8 Stanford Close, Hove - Householder Planning Consent

1. The case officer introduced the application to the committee.

Answers to Committee Member Questions

2. Councillor Robinson was informed that the obscure glazed glass screen replaced a brick wall on the first floor.
3. Councillor Theobald was informed that the obscure glazed glass screen was to provide privacy.

Debate

4. Councillor Robinson considered the scheme had been improved and they supported the application.
5. Councillor Theobald considered the scheme an improvement.

6. Councillor Galvin stated that they were ready to approve, and they supported the application.
7. Councillor Loughan noted the improved privacy and stated they supported the application.

Vote

8. A vote was taken, and the committee voted unanimously to grant planning permission.
9. **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons, or the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to the receipt of no further representations raising any new additional material considerations not already considered within the reconsultation period ending 06.12.2024 and the Conditions and Informatives in the report.

E BH2024/02094 - 44 Saxon Road, Hove - Removal or Variation of Condition

1. This application was not called for discussion, the officer recommendation was therefore taken as having been agreed unanimously.

43 RIGHTS OF WAY DEFINITIVE MAP MODIFICATION ORDER

1. The Legal Officer introduced the application to the committee.

Speakers

2. David Carr addressed the committee as the objecting landowner and stated that they could not comment on historical maps, however there were lots of paths and bridleways in use. If granted, the path would cut directly across a field disturbing the agriculture. It would be better to continue going around the field, which is safer as it is outside the boundary fence. There were plenty of footpaths in the area.
3. David Brookshaw addressed the committee as the applicant and stated that the old drove way gave access to the South Downs. The short section under review has been ploughed out. The maps show a bridleway with exceptional views in all directions. They noted the legal officer supported the application, as well as other local access societies. The committee were asked to support the application.

Answers to Committee Member Questions

4. Councillor Shanks was informed that the if approved the council would work with the landowner on the way forward and any objections would go to The Secretary of State.
5. Councillor Sheard was informed that the pathway followed the administrative boundary.
6. Councillor Nann was informed that the all the old maps were looked at. It was noted that once a highway, always a highway.

7. Councillor Galvin was informed that the application should be decided on evidence.
8. Councillor Robinson was informed that by the landowner that in their lifetime there had never been a footpath in the position. The applicant noted that pathways can be ploughed out, however, they need to be replaced within 10 days.
9. Councillor Theobald was informed that it was not relevant if there was livestock currently in the field.
10. Councillor Winder was informed that each application was looked at on its own merits.

Debate

11. Councillor Earthey stated they supported the application and considered the route to be logical. A fence or gate may be needed, and any obstructions should be cleared away.
12. Councillor Shanks considered it was important to protect rights of way. The councillor supported the application.
13. Councillor Sheard found the history interesting and noted that old routes often formed farm boundaries. It was noted that the old maps show the route of the path, and the zigzag route appeared to be newer. The councillor supported the application.
14. Councillor Theobald considered it was a shame the pathway would cut across the field and cattle, or sheep could be a problem. It was noted there were plenty of rights of way already.
15. Councillor Nann considered that it had been proven to exist.
16. Councillor Loughran supported the evidence of this in principle decision.

Vote

17. A vote was taken, and by 8 to 2 the committee agreed to recommendations.
18. **RESOLVED:** That Committee resolves a Definitive Map Modification Order, under Section 53(2) in consequence of an event specified in sub-section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 to add a bridleway to the Definitive Map and Statement for Brighton between the T-junction of the route known as Upper Bannings Road and Tenant Hill, northwards across the field and ending at a T-junction with an existing bridleway, on the boundary of Telscombe Tye, should be made.

44 PART TWO

45 BH2021/04167 - BRIGHTON GASWORKS LAND BOUNDED BY ROEDEAN ROAD (B2066), MARINA WAY AND BOUNDARY ROAD, BRIGHTON - PART TWO

1. This section of the meeting was held in Part Two and therefore confidential.

46 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

46.1 The Committee noted the new appeals that had been lodged as set out in the agenda.

47 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

47.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the agenda.

48 APPEAL DECISIONS

48.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 6.52pm

Signed _____ Chair

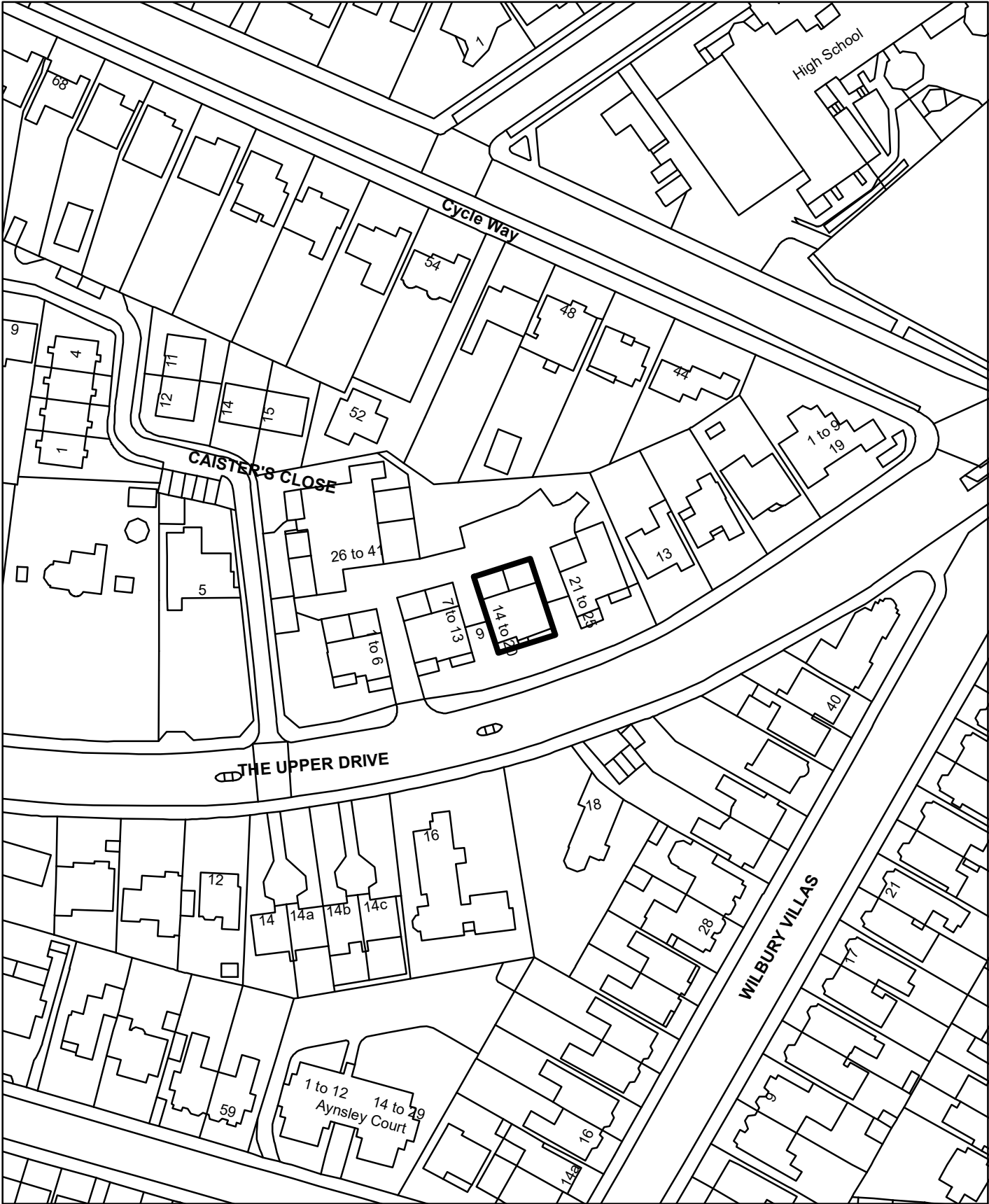
Dated this _____ day of _____

ITEM A

9 The Upper Drive BH2024/02331 Full Planning

DATE OF COMMITTEE: 8th January 2025

BH2024 02331 - 9 The Upper Drive



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2024/02331	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 The Upper Drive Hove BN3 6GR		
<u>Proposal:</u>	Alterations and extensions to Block C to create additional storeys to provide 2no additional flats at third and fourth floor levels.		
<u>Officer:</u>	Sonia Gillam, tel: 292265	<u>Valid Date:</u>	23.09.2024
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18.11.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	15.01.2025
<u>Agent:</u>	Dowsettmayhew Planning Partnership Mocatta House Trafalgar Place Brighton BN1 4DU		
<u>Applicant:</u>	Block C, 9 The Upper Drive Ltd C/O Dowsettmayhew Planning Partnership Mocatta House Trafalgar Place Brighton BN1 4DU		

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 and block plan	EX06		23 September 2024
Proposed Drawing	PL01		23 September 2024
Proposed Drawing	PL02	B	23 September 2024
Proposed Drawing	PL03	B	23 September 2024
Proposed Drawing	PL04	B	23 September 2024
Proposed Drawing	PL05	B	23 September 2024

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18, DM21 and CP12 of the Brighton & Hove City Plan.
4. The privacy screen to the raised roof terrace of the development hereby permitted, shown on drawing PL02 rev B received on 23 September 2024, shall be installed prior to first occupation of the fourth floor flat and shall thereafter be retained and maintained at all times.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 of the Brighton & Hove City Plan.
5. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees including street trees, in accordance with BS 5837:2012, including a tree protection plan (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.
Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and for biodiversity and sustainability reasons, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10 and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites
6. The residential units hereby approved shall not be occupied until they have achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.
Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
7. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential.
Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
8. A bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.

10. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed within the site and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part 2, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

11. Access to any areas of flat roof hereby approved, other than that annotated as 'terrace' on drawing no. PL02 rev B received on 23 September 2024, shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2

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. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
3. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.

4. Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.
5. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
6. Existing Controlled Parking Zone/Residents' Parking Scheme: You are advised that details of the development will be passed to B&HCC as Traffic Authority administering the Controlled Parking Zone, of which the development forms part, so they can determine whether occupiers should be eligible for residents' parking permits.

Biodiversity Gain Plan

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. SITE LOCATION

- 2.1. The application relates to a four-storey block of 7no. flats on the northern side of The Upper Drive. The block is one of 5 similar blocks on a wider site providing a total of 46 flats. The existing blocks vary in height between four and five storeys. The blocks are finished in a mix of render and timber cladding.
- 2.2. This stretch of The Upper Drive has been developed to the extent that the prevailing character on this section of the northern side is flatted development with fewer traditional dwellinghouses remaining.

3. RELEVANT HISTORY

- 3.1. **BH2021/00443** (Block A) Application for removal of condition 1 of application BH2019/03789, as amended by BH2020/03347 (Alterations and extensions to Block A to create two additional storeys, providing 3no two-bedroom flats at third and fourth floor levels) which requires compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). Approved 23.03.2021
- 3.2. **BH2020/03347** (Block A) Application for variation of condition 1 of application BH2019/03789 (Alterations and extensions to Block A to create two additional storeys, providing 3no two-bedroom flats at third and fourth floor levels) to change fourth floor front balcony from Juliet balcony to full balcony, to match existing front balconies below. Approved 25.01.2021.
- 3.3. **BH2019/03789** (Block A) Alterations and extensions to Block A to create two additional storeys, providing 3no two-bedroom flats at third and fourth floor levels. Approved 26.03.2020.
- 3.4. **BH2018/03117** (Block D) Extension and alterations to provide an enlarged 2 bed flat at first floor level, and 2 no. additional flats at second and third floor level, and associated parking. Approved 17.01.2019
- 3.5. **BH2017/04139** (Block D) Creation of additional storeys to existing block D to provide an enlarged two-bedroom flat at first floor level and 2no additional flats at second and third floor level. Refused 15.05.2018. Appeal allowed 27.03.2019. The Inspector concluded that the proposed development:
"would not cause harm to the architectural integrity of Block D or the existing development as a whole and thus there would be no harm to the prevailing character and appearance of the area.... would not result in any material harm to the living conditions of the occupiers in terms of overlooking or loss of privacy."
- 3.6. **BH2004/01708/FP** 41 New residential apartments within 5 blocks with undercroft parking. Approved 04.04.2005.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks permission for alterations and extensions to Block C at 9 The Upper Drive to create one/ two extra storeys to provide 2no additional flats at third and fourth floor levels.
- 4.2. An application (BH2017/04139) for two additional storeys to Block D to the east of the site was allowed at appeal after being refused by the Planning Committee in 2018. Further, a similar scheme (BH2018/03117) for additional storeys to Block D was approved by Planning Committee in 2019.
- 4.3. An application (BH2019/03789) to add two additional storeys to Block A to the west of the site was approved by the Planning Committee in 2020.

- 4.4. The presently proposed changes to Block C would bring this block in line with the height of the Block A to the west.

5. REPRESENTATIONS

- 5.1. **Fourteen (14)** representations have been received objecting to the proposed development. The main grounds for objection are as follows:
- Parking/ Traffic issues
 - Overdevelopment
 - Design out of character
 - Height/ roofline
 - Overshadowing and loss of light
 - Overlooking/ loss of privacy
 - Cladding concerns
 - Additional refuse/ recycling
- 5.2. Comments regarding impact on property prices and inconvenience from the build are noted, however these are not material planning considerations.
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Private Sector Housing:** Comment assessed however no comments offered.
- 6.2. **Sustainable Transport:** No objection subject to cycle parking provision and an informative in relation to the restriction of parking permits.
- 6.3. **Urban Designer:** *Verbal comment:* No objection Good design. The proposal mirrors the adjoining blocks in design terms and the raised height is not considered to detrimentally impact on the character and appearance of the site and surrounding area.

7. MATERIAL CONSIDERATIONS

- 7.1. 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.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove City Plan Part Two (adopted October 2022)

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
- Hove Station Neighbourhood Plan (adopted February 2024)
- Rottingdean Neighbourhood Plan (adopted February 2024)
- Shoreham Harbour Joint Area Action Plan (adopted October 2019)

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density
CP19	Housing mix

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the development on the character and appearance of the existing building, site and streetscene, the impact on residential amenity, the standard of accommodation provided, highways and sustainability issues.

Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,333 homes per year. This includes a 35% uplift applied as one of the top 20 urban centres nationally.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2023 which shows a five-year housing supply shortfall of 7,786 (equivalent to 1.7 years of housing supply).
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. The proposed two additional units of housing would make a small but useful contribution towards the adopted City Plan Part 1 housing target of 13,200 new homes over the period 2010-2030.
- 9.6. City Plan policies do not specify a required housing mix, however Policy CP19 states that developments will be required to demonstrate that proposals have had regard to housing mix considerations and have been informed by local assessments of housing demand and need. A mix of 1x two-bed flat and 1x three-bed flat is proposed which is welcomed.

Design and Appearance:

- 9.7. Policies CP12 (Urban Design) and 14 (Housing Density) of the City Plan Part One set out aims to secure a high standard of design and development which pays respect to site constraints and the character of the area surrounding the site.
- 9.8. It is acknowledged that, in recent years, this section of The Upper Drive has been developed to such an extent that most of the properties on this section of the northern side are flatted development with fewer traditional dwellinghouses remaining.
- 9.9. There are four blocks of flats facing onto The Upper Drive. The proposed new units would be sited on Block C in the middle of the site which is three/ four storeys in height as existing, as are Blocks D and B either side. Block A to the west of the site is taller in height (four/ five storeys) than the three neighbouring blocks to the east. Blocks A and D have both been extended upwards in recent years.

- 9.10. The proposed additional storeys on Block C would match the height of Block A to the east of the wider site and would result in a building which would be taller, by one storey, than the adjoining buildings either side. The proposal would recreate the staggered height appearance of the existing blocks. The inset top floor has been designed so that from street level it would have the appearance of spanning only half the width of the overall block which would reduce the visual bulk, similar to the design of the existing blocks.
- 9.11. It is considered that the resulting variations in roof heights created by the proposal are appropriate in visual terms, without the extended building appearing excessively tall or out of keeping with the character of the site and streetscene. It is also noted that, over the years, the street trees have grown in height and Block C is now screened somewhat by the existing vegetation which reduces its prominence in the streetscene.
- 9.12. Given the above and the distances between the application site and its neighbours, it is considered that the increased height of Block C would not appear out of context with the neighbouring properties or within the prevailing streetscene. The Council's Urban Design Officer considers the proposal is of appropriate design and scale and has no objections to the scheme overall.
- 9.13. The proposal is therefore considered to be a suitable form of development on the site, which would be in keeping with the character and appearance of the existing block, wider site and streetscene, consistent with policies CP12, CP14 and DM18 of the City Plan. Matching materials are proposed to be secured by condition.

Standard of Accommodation:

- 9.14. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of amenity for future occupiers, which is a high bar that goes beyond amenity being merely 'adequate' or 'acceptable'. Policy DM1 sets out Nationally Described Space Standard (NDSS) for dwellings.
- 9.15. The new two-bedroom flat at third floor would measure 84m² which complies with the NDSS which seeks a minimum standard of 70m² for a four-person, two bed unit. The new three-bedroom flat at fourth floor would measure 111m² which also complies with the NDSS which seeks a minimum standard of 95m² for a six-person, three bed unit. Both units therefore comfortably exceed the NDSS and provide sufficient space for furniture and circulation, as well as good access to natural light, ventilation and outlook. Section drawings demonstrate that the units would provide for sufficient floor to ceiling heights (2.3m for at least 75% of the Gross Internal Area). It is noted that the reconfigured existing flat at third floor level, at a floor area of 86m², would also meet the NDSS (70m² for a two-bed, 4-person dwelling).
- 9.16. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of

the development. Both units at third floor would benefit from a private balcony to the front elevation. At fourth floor the new unit would have both a roof terrace and front balcony.

- 9.17. The application states that communal refuse storage for the development is currently located to the rear of the building where there is space to accommodate additional waste bins if required. This is considered acceptable and can be secured by condition.
- 9.18. Overall, the proposed development would result in an acceptable level of accommodation in compliance with policy DM20 of the proposed City Plan Part Two and the core planning principles of the NPPF.

Impact on Amenity:

- 9.19. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.20. The proposed development would add height and bulk to the building but there is not considered to be an unacceptable loss of privacy, light or outlook on the adjacent properties, nor an overbearing impact.

Impact on Light

- 9.21. There are windows facing the application site on the adjoining blocks which may see a small reduction in light from the extension. However, these windows are small and/ or secondary windows serving kitchen areas or bathrooms. Therefore, this minor impact is considered acceptable and would not warrant refusal of the application.
- 9.22. There have been objections from neighbours in Block E in terms of a reduction in sunlight reaching eastern windows and garden areas. However, given the existing relationship between the properties and that the east facing windows and gardens are already in shade after midday, it is not considered that the amount of sunlight reaching the outside amenity areas would be significantly affected by the proposals. Daylight would not be affected given the existing situation and the distances involved.

Impact on Privacy

- 9.23. The proposed side kitchen windows would face the blocks on either side which are already overlooked by existing kitchen/ bathrooms windows in each floor in the side facing elevations so the loss of privacy resulting would be minimal. Additionally, the proposed development would also be sited a sufficient distance from the nearest windows and gardens in the adjoining blocks which would limit undue harm from overlooking. It is considered that, given the existing situation, there would be no significant harm caused to the amenity of existing occupiers as a result of overlooking from the proposed windows.

- 9.24. A roof terrace is proposed to the top floor flat. An obscure glazed 1.7 metre height privacy screen is proposed to the front and side of the terrace, set in some 1.2 metres from the edge of the building. These measures would prevent the neighbouring roof terrace in Block B from being overlooked. Given the siting of the proposed terrace to the front of the development, it is not considered that there would be significant overlooking of neighbouring properties and gardens.
- 9.25. It is noted that residents in Wilbury Villas to the south and Old Shoreham Road to the north have rear gardens that face the development site. Whilst the proposed fenestration would provide marginally enhanced views of these rear gardens, given the distances involved, the existing relationship between the properties and level of mutual overlooking in the area, this is not considered to warrant refusal of the application.
- 9.26. Therefore, the impact on the amenity of residents of existing flats in the block or the wider area is not considered to be significant. Furthermore, two additional units of residential accommodation is unlikely to lead to such a significant increase in noise or activity to warrant refusal of the application. Given the above, it is therefore considered that the proposal would comply with policy DM20.

Sustainable Transport:

- 9.27. The proposed development is unlikely to significantly increase the number of trips to the site to warrant refusal of the application.
- 9.28. The application does not propose any car parking provision as there is physically no further space within the site to provide additional spaces. The site is located within a Controlled Parking Zone (CPZ O) with limited capacity. Therefore, the proposed development has the potential to generate additional residential parking demand within the CPZ.
- 9.29. However, the applicant has submitted a Parking Beat Survey indicating a residual capacity on the streets in the close vicinity of the site to accommodate two additional cars. Therefore, there is no objection from the Local Highway Authority on this ground. However, an informative would be added ensuring details of the development are passed to the Traffic Authority administering the Controlled Parking Zone so that it can be determined whether occupiers should be eligible for residents' parking permits.
- 9.30. Cycle parking is already provided at ground floor level and would be amended to incorporate additional facilities (5x additional spaces) to serve the new units. This can be secured by condition.

Sustainability:

- 9.31. CPP2 Policy DM44 requires new build residential development to achieve at least a 31% improvement on the carbon emission targets set by Part L Building Regulations, and to meet the optional standard for water consumption. The policy also requires new build residential to achieve a minimum energy Performance Certificate EPC rating 'B'. This can be secured by condition.

Biodiversity Net Gain:

- 9.32. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat. A condition to secure minor biodiversity enhancements (incorporation of bee brick) should be imposed to comply with policies CP10 and DM37.

Other issues:

- 9.33. There are several trees subject of a TPO on the site, however none are sited very close to Block C. As development is to the upper floors it is acknowledged that the root protection areas would not be affected in any case. Additionally, no pruning is proposed. However, it is considered prudent to ensure protection of the trees, including street trees, from damage during construction; this can be secured by condition.
- 9.34. A representation has been received with regard to the safety of the proposed cladding. The application states that external treated fibre cement base board cladding would be sourced to match the existing in style and colour. The final cladding specification is to be checked with regard to Buildings Regulations during the application process for construction.

Conclusion

- 9.35. The scheme would provide two additional dwellings of a suitable standard of accommodation which is beneficial in terms of housing needs in the city.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) with regard to potential material impacts on individuals or identifiable groups with protected characteristics. Ideally, new dwellings should be accessible and adaptable and in accordance with Building Regulations M4(2) for accessibility as required by Policy DM1 of the City Plan Part Two. However, this is an existing building and although there is level access and a lift in the building, to fully comply with above, entrances, common stairs, external parking etc would need to be substantially altered, which would go beyond the remit of the proposed scheme.

11. COMMUNITY INFRASTRUCTURE LEVY

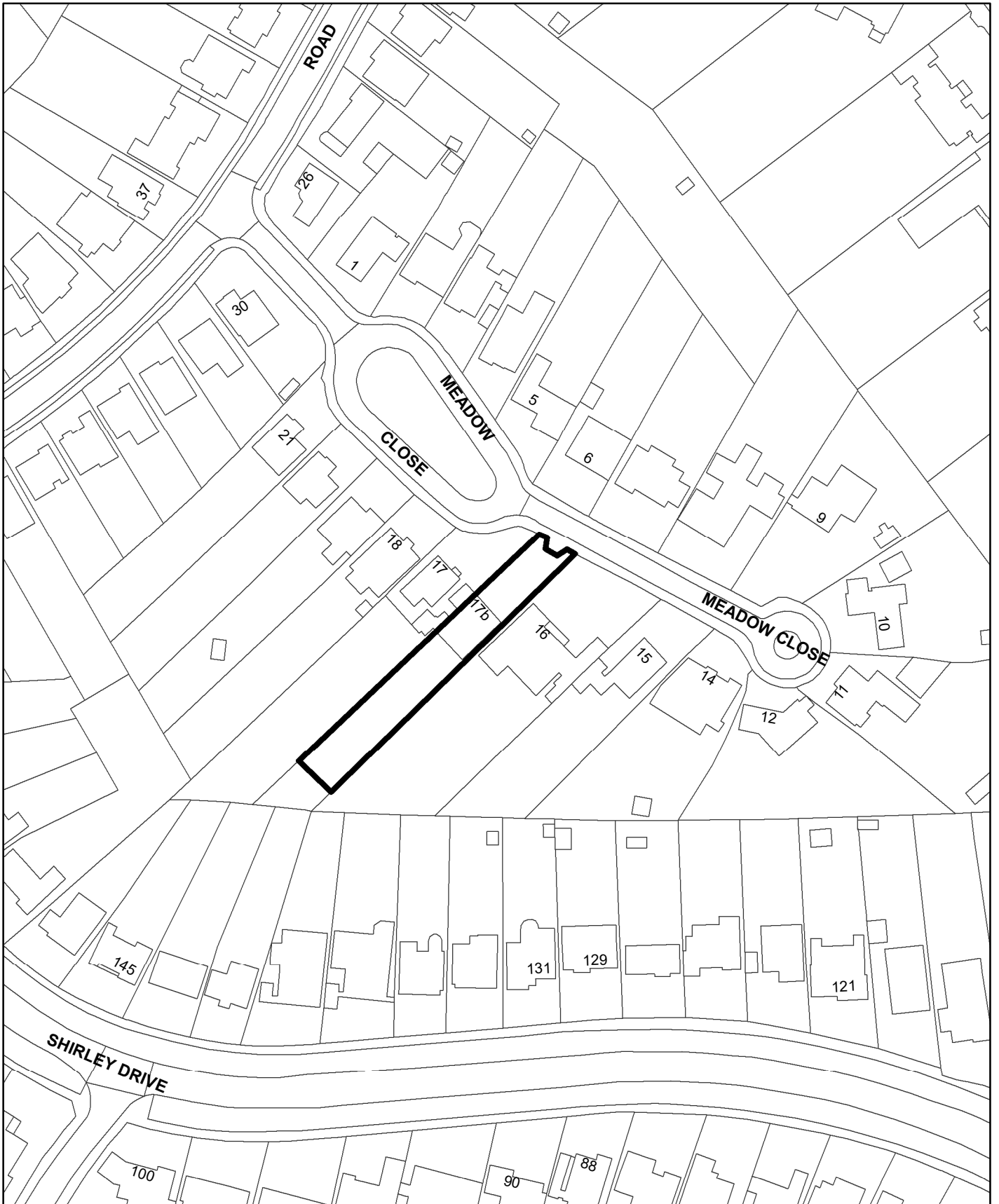
- 11.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

ITEM B

**Les Reveurs, 17B Meadow Close
BH2023/02742
Full Planning**

DATE OF COMMITTEE: 8th January 2025

BH2023 02742 - Les Reveurs, 17B Meadow Close



N



Scale: 1:1,250

<u>No:</u>	BH2023/02742	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Les Reveurs 17B Meadow Close Hove BN3 6QQ		
<u>Proposal:</u>	Demolition of existing dwellinghouse (C3) and erection of a new detached two-storey plus lower ground-floor dwellinghouse (C3), with associated landscaping and access.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	11.10.2023
<u>Con Area:</u>		<u>Expiry Date:</u>	06.12.2023
<u>Listed Building Grade:</u>		<u>EOT:</u>	11.12.2024
Agent:	Absolute Town Planning Ltd C/o Parkers Cornelius House 178-180 Church Road Hove BN3 2DJ		
Applicant:	Mr Radek Vik Les Reveurs 17B Meadow Close Hove BN3 6QQ		

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:

Conditions:

1. The dwelling, by reason of its design, materials and scale, would result in an overdevelopment of the plot, failing to respect the characteristics of the streetscene and local area, and appearing out of scale and incongruous with the surrounding development. The resulting dwelling would appear overly dominant within the streetscene and have an adverse visual impact on the appearance and existing character of the property and wider streetscene. The proposal is therefore contrary to policies DM18 and DM21 of City Plan Part Two.
2. The elevated rear terrace and southern glazing would provide views into neighbouring amenity space and give rise to a high degree of actual and perceived overlooking and loss of privacy. Additionally, the bulk and massing would be overbearing and would result in harmful overshadowing of the adjacent neighbours. It would therefore be unneighbourly and intrusive, unacceptably harming the residential amenity of neighbouring occupiers, contrary to policy DM20 of City Plan Part Two.

Informatives:

3. 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.
4. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
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Proposed Drawing	16	A	15 October 2024
Proposed Drawing	10	A	15 October 2024
Proposed Drawing	12	A	15 October 2024
Proposed Drawing	14	A	4 December 2024
Proposed Drawing	15	A	4 December 2024
Proposed Drawing	17	A	4 December 2024
Proposed Drawing	9	A	4 December 2024
Proposed Drawing	3	A	15 October 2024
Proposed Drawing	11	A	15 October 2024
Location Plan	1	A	4 December 2024

2. SITE LOCATION

- 2.1. The application relates to a gable-roofed property located on the southern side of, and set back behind a front garden from, Meadow Drive. The property is finished in white render and timber cladding and a red/brown tiled roof, with white uPVC framed fenestration. The existing dwelling sits in a slim width but deep plot between No.17 to the west and No.16 to the east. The building is the smallest of the three, as the neighbours sit in wider plots and are 2 storey detached properties with hipped and gable designs. No.16 and No.17 have also been extended over time, to the rear particularly.
- 2.2. Meadow Drive is characterised by traditional design and style of properties, with detached two storey gable ended or part hipped designs within relatively wide plots, albeit some have been extended or had additions added to various roof slopes. Flat roofed development is noticeably absent in the main elevations of the existing and surrounding properties in the immediate and extended streetscape. The area has a material palette comprising predominantly red brick, white render and red concrete tiling or grey slate tiling, with white or occasional light grey/black fenestrations.

3. RELEVANT HISTORY

- 3.1. **BH2017/01594:** Demolition of existing bungalow and erection of a two storey three bedroom house (C3). Approved 30/11/2017

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to demolish the existing property and replace it with a new flat-roofed detached two-storey dwellinghouse (C3), with an additional lower ground floor to the rear and associated landscaping.
- 4.2. It is proposed to demolish the existing single storey gable ended bungalow and replace it with a modern, flat-roofed dwelling that extends to the front and rear of the existing footprint.

- 4.3. The new dwelling would have a staggered footprint that extends to the front, beyond that of No.17 to the west, but aligning with the front elevation of No.16 to the east. To the rear it would extend between 3.2m and 10m beyond the existing rear elevations of No.16, and No.17. The form of the building would be a flat roof block of two storey design, which would extend to three storeys at the rear, to utilise the sloping land levels.
- 4.4. The current building is finished with red brick, white render and timber cladding to the elevations. Red brown tiles cover the pitched roof areas. The current fenestration is predominantly white UPVC. The existing material palette is representative of and common in the streetscene.
- 4.5. The proposed dwelling would see the elevations finished in white render, blue-black mathematical tiles, patinated copper panels and the flat roof material is not detailed. The fenestrations would be metal framed units and black in colour.
- 4.6. A new elevated rear terrace is proposed over the lower ground floor.
- 4.7. The proposed roof form would increase the main ridge height over the existing by over 2 metres (circa 5m to 7.1m) and the eaves heights by over 4 metres (circa 3.1m to 7.1m).
- 4.8. The plans have been amended numerous times during the course of the application, due to officer concerns regarding the appearance, and amenity impacts to neighbouring properties.

5. REPRESENTATIONS

- 5.1. Objections from **eight (8)** individuals have been received raising the following issues:
 - Restriction of view
 - Inappropriate height of development
 - Overdevelopment
 - Overshadowing
 - Noise
 - Too close to boundary
 - Poor design
 - Ultra modern design
 - Harms character of area
 - Building line to far forward
 - Loss of tree
- 5.2. **Councillor Ivan Lyons** objected to the application. Raises that the property extends to far forwards, boundary gap is inconsistent with neighbours, consideration needed for neighbours' light and height of buildings. A copy of the representation is attached to this report.

- 5.3. **Support** from **seven (7)** individuals has been received raising the following issues:
- Good design
 - Contemporary appearance
 - Innovative
 - Ecologically friendly
 - Family housing
 - Residential amenity improves
 - Development would improve the neighbourhood
- 5.4. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

Internal:

- 6.1. **Urban Design Officer:** Objection (Verbal Comments)
The overall form and massing in the constrained plot is considered to be overdevelopment and this harm is compounded by the material choices, which increase the prominence of the structure.
- 6.2. **Planning Policy:** No comments to make
- 6.3. **Private Sector Housing:** No comments to make
- 6.4. **Sustainable Transport:** No objection subject to conditions
Subject to conditions in respect of Cycle Parking provision and Electric Vehicle Charging informative.

External:

- 6.5. **Southern Water:** No objection subject to conditions
Conditions to include:
- No piling
 - Provision of construction timetable
 - No demolition or construction of lower ground floor except between March and September.
- 6.6. Note a formal connection to sewer required and that a public sewer may cross the site.
- 6.7. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

7. MATERIAL CONSIDERATIONS

- 7.1. 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.

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP13	Public streets and spaces
CP14	Housing density

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM2	Retaining Housing and residential accommodation (C3)
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the development, its impact on the appearance and character of the site and wider area, the impact on the amenities of adjacent occupiers, and the standard of accommodation provided.

Principle of the Development:

- 9.2. The development would involve the replacement of an existing dwelling with a new one. As such the development is given no increased weight due to the housing shortfall, and with no net loss of housing in the city, it is acceptable in principle in this regard.
- 9.3. It is also noted also that planning permission has been previously approved in 2017 for a new dwelling to replace the current bungalow. This approved scheme, BH2017/01594, was for a two storey dwelling of more traditional appearance, with a pitched roof form to the side elevations and gable ends to the front and rear elevations. This proposed building footprint sat behind the front and rear elevations of No.17 to the west, in a similar position to the current dwelling. It was considered to relate acceptably to the size of the plot, neighbours and reflect the character of the street. This earlier planning permission is no longer extant

Design and Appearance

- 9.4. Policy DM18 states that:
"...Proposals for development will be expected to consider the following key design aspects:
a) *the local context; including responding positively to the urban grain;*
b) *the scale and shape of buildings;*
c) *the building materials and architectural detailing; and*
d) *the spaces between and around buildings..."*
- 9.5. SPD12 states that:
"Additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the streetscene, including its topography." Although the proposed application is a new dwelling the thrust of the document would also apply.
- 9.6. SPD17 states in reference to streets:
"The way they look and feel is critical to the character of the area. Design features that are visible in from the street or highway will be particularly important in the assessment of development proposals". Design priorities to be considered include: "...existing building lines, height, rhythm, and proportions of frontages, windows and doors."
- 9.7. The overall effect of the works would be the replacement of the existing modest one-storey gabled property with a part two-/three-storey flat roofed dwelling of a contemporary design, with a very significant increase in massing and bulk. The resulting dwelling would be a substantial increase in the size, bulk and massing over the existing property, designed to accommodate the desired internal space, rather than reflecting the size of the plot and general character of the area. The

additional depth and height would be clearly visible in views along Meadow Close due to the siting and scale of adjoining properties.

- 9.8. The contextual drawings which have been submitted show the proposed building would visually overpower adjoining properties, and the combination of the proposed depth, height and roof form would create a sense of bulk which is not repeated elsewhere in the immediate area. The resulting building would appear unduly dominant in views along Meadow Close, harming the prevailing character and appearance of the area. The overall scale of development proposed by the application is considered excessive in this location.
- 9.9. The use of a flat roofed design as proposed would mean the resultant building would have significantly more mass and bulk at a higher level than the surrounding buildings and would therefore have materially greater visual impact on the street scene. This greater mass at height would not be sympathetic to nearby buildings and would disrupt the existing rhythm and frontages, negatively impacting the urban grain.
- 9.10. The scheme further emphasises its prominence in the street scene through the large amount of glazing and the range of materials on the front elevations, in a way that is not representative of the area. It would comprise almost full height glazed panels across the majority of the front and rear elevations, with the use of copper panels and black-blue tiles to the front elevation. This reinforces its presence within the public realm, increasing the harm to the character of the area. The effect of almost the full width of the plot being filled with two storeys and the substantial form of the flat roof, add to the cumulative impression of the overdevelopment of the site, which would harm the appearance of the neighbourhood. The proposed building would have little relationship with nearby buildings such that it would have an overly conspicuous and incongruous appearance.
- 9.11. Therefore, the overall scale and design of the proposed replacement dwelling is considered inappropriate and dominant in appearance, failing to relate well to the size of the plot, neighbouring properties, the streetscene or the character of the area due to its design, scale, massing and appearance. Taking all of these matters into consideration the proposal fails to comply with Policy CP12 of the City Plan Part One and Policies DM18 and DM21 of the City Plan Part 2.
- 9.12. As noted earlier the principle of development for the plot with a larger two storey new dwelling is acceptable, as exemplified by the approval BH2017/01594. This had a design which was more modest, suiting the plot width, reflecting and respecting the local character and the amenity of neighbouring properties, with less bulk due to a smaller footprint and the pitched roof design; with materials that did not contrast and increase prominence in the streetscene.

Impact on Amenity

- 9.13. Since submission of the current application, the applicant has made revisions to the positioning of the development and removed first floor terraces to the rear, to try and reduce the impact on neighbouring residents. Unfortunately these have not mitigated the harm to a level which satisfies the Local Planning

Authority (LPA) that it would not affect neighbours significantly and unacceptably.

- 9.14. The substantial form of the works extending to the front, side and rear, with a two/three storey form is considered to result in an unacceptable sense of enclosure and loss of light to gardens and side elevations. This is particularly the case in relation to No.17 located to the west and No.16 located to the north, with the amount of visible wall/development to the neighbouring properties increasing significantly over the current relatively low impact.
- 9.15. The development would create a two/three story development to the rear with a partially enclosed raised terrace above the lower ground floor on the southern elevation, with large glazed full height screening to west, all of which would be very close to neighbouring properties gardens and windows at No.17. The rear impact on No.16 to the east is not so great due to the existing fir trees on the shared boundary and lack of privacy screens to this side.
- 9.16. Overall, this is considered to be un-neighbourly, being overbearing at the rear, and increasing the opportunity for prolonged overlooking of neighbouring gardens from an elevated space and by a number of people at any one time, which would be unacceptably intrusive.
- 9.17. The proposed first floor windows to the sides would open up new elevated views with potential direct overlooking, but if otherwise acceptable, a condition could require them to be obscure glazed and non-opening below 1.7m as they would serve non-habitable rooms or ones with multiple aspects .
- 9.18. Overall, the combined detrimental effects of overlooking, overshadowing, loss of light and the increased sense of enclosure caused by the design and form of the proposal within a constrained plot are considered so substantial that refusal is warranted. As noted earlier the principle of development for the plot with a larger two storey new dwelling can be acceptable in respect of amenity, as exemplified by the approval BH2017/01594, which had a design which was similar in footprint to the current, with a roof design (pitched) that sloped away from the neighbouring properties – reducing the potential impacts further for overshadowing and overbearing. The scale and positioning with the relatively modest glazing also limited overlooking.

Standard of Accommodation

- 9.19. Policy DM1 (Housing Quality, Choice and Mix) outlines the Council's objective to deliver a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. Specifically, all proposals "incorporate a range of dwelling types, tenures and sizes that reflect and respond to the city's identified housing needs".
- 9.20. Policy DM1 adopts the Nationally Described Space Standard (NDSS) for assessment of the standard of accommodation.
- 9.21. The Local Planning Authority considers both quantitative and qualitative issues raised with regards to the standard of accommodation for future occupiers.

- 9.22. The proposal would involve the creation of one (1) new unit with four bedrooms and an internal floor area of 414m².
- 9.23. This unit proposed would have 3 double bedrooms and 1 single bedroom and is therefore considered a three storey, 4 bedroom 7 person unit. This has a 121sqm requirement to meet the required floorspace standard so it complies in this regard.
- 9.24. The two person bedroom sizes comply with the minimum required, namely 11.5m² with the required minimum width of 2.75 metres. The one person bedroom size complies with the minimum 7.5m² required and has the required minimum width of 2.15 metres. The head height shown on the previously submitted sections exceeds 2.3m. It is noted that new sections have not been submitted for the amended drawings but considering the proposed elevations it is considered a minimum height of 2.3m is achievable throughout.
- 9.25. The proposed elevations and plans show that there are sufficient window openings in all elevations to serve all habitable rooms/spaces and they would receive sufficient natural light and have an acceptable outlook, excepting one bedroom on the eastern ground floor which would look onto the shared boundary fence. This is considered acceptable in this specific case on balance, considering the overall amount of floorspace and standard of accommodation for future residents that would be provided.
- 9.26. It is therefore considered that the proposed development would meet the needs of future occupiers.

Other Matters

- 9.27. The applicant has shown no cycle parking on the proposed scheme but considering the size of the plot, provision could be secured by condition if the application was overall considered acceptable.
- 9.28. The applicant is proposing no significant changes to the existing front parking area for the new dwelling. This is considered acceptable as the development would not see a significant increase in trips generated from the proposed unit.

Ecology

- 9.29. Policy CP10 of the City Plan Part One and DM37 of City Plan Part Two seeks to ensure that all new development proposals conserve existing biodiversity, protecting it from the negative indirect effects of development including noise and light pollution.
- 9.30. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species. If the application were otherwise acceptable a condition requiring the installation of a bee brick and swift bricks would be attached to improve ecology outcomes on the site.

- 9.31. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA as it was submitted in October of 2023, before the regulations came into effect.
- 9.32. Policy DM44 requires new residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B'. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day maximum indoor water consumption. This could be secured by condition if the scheme were otherwise acceptable.
- 9.33. The proposed dwelling would have part basement accommodation on the lower ground floor. It is not considered to be liable to flooding due to the elevation and the sloping land levels to the rear, and the plot is not in a flood risk area or an accumulation zone. The increase in footprint would increase the conveyance effects of water from the site (less grass/soft landscaping), but not to such a degree that refusal is warranted on this reason alone, as a condition for provision and approval of sustainable drainage systems would have been imposed, if the application was acceptable in all other matters.

Conclusion

- 9.34. The design approach of the proposal is not considered acceptable as it would result in harm to the appearance and character of the area. The amenity of neighbouring residents would also be significantly harmed due to impacts to privacy, outlook, a loss of light and increased sense of enclosure. For the foregoing reasons the proposal is in conflict with policies CP12 of the Brighton and Hove City Plan Part One, and DM18, DM20, and DM21 of the City Plan Part Two.

Community Infrastructure Levy

- 9.35. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as is practicable after the issuing of any planning permission.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.
- 10.3. The proposed dwelling would be able to meet M4(2) requirements for accessible and adaptable dwellings of Part M building regulations, and a condition to that effect would have been imposed if acceptable in all other matters.

Comments for Planning Application BH2023/02742

Application Summary

Application Number: BH2023/02742

Address: Les Reveurs 17B Meadow Close Hove BN3 6QQ

Proposal: Demolition of existing dwellinghouse (C3) and erection of a new detached two-storey plus lower ground-floor dwellinghouse (C3), with associated landscaping and access. [AMENDED PLANS]

Case Officer: Steven Dover

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate Height of Development
- Overdevelopment
- Overshadowing
- Restriction of view

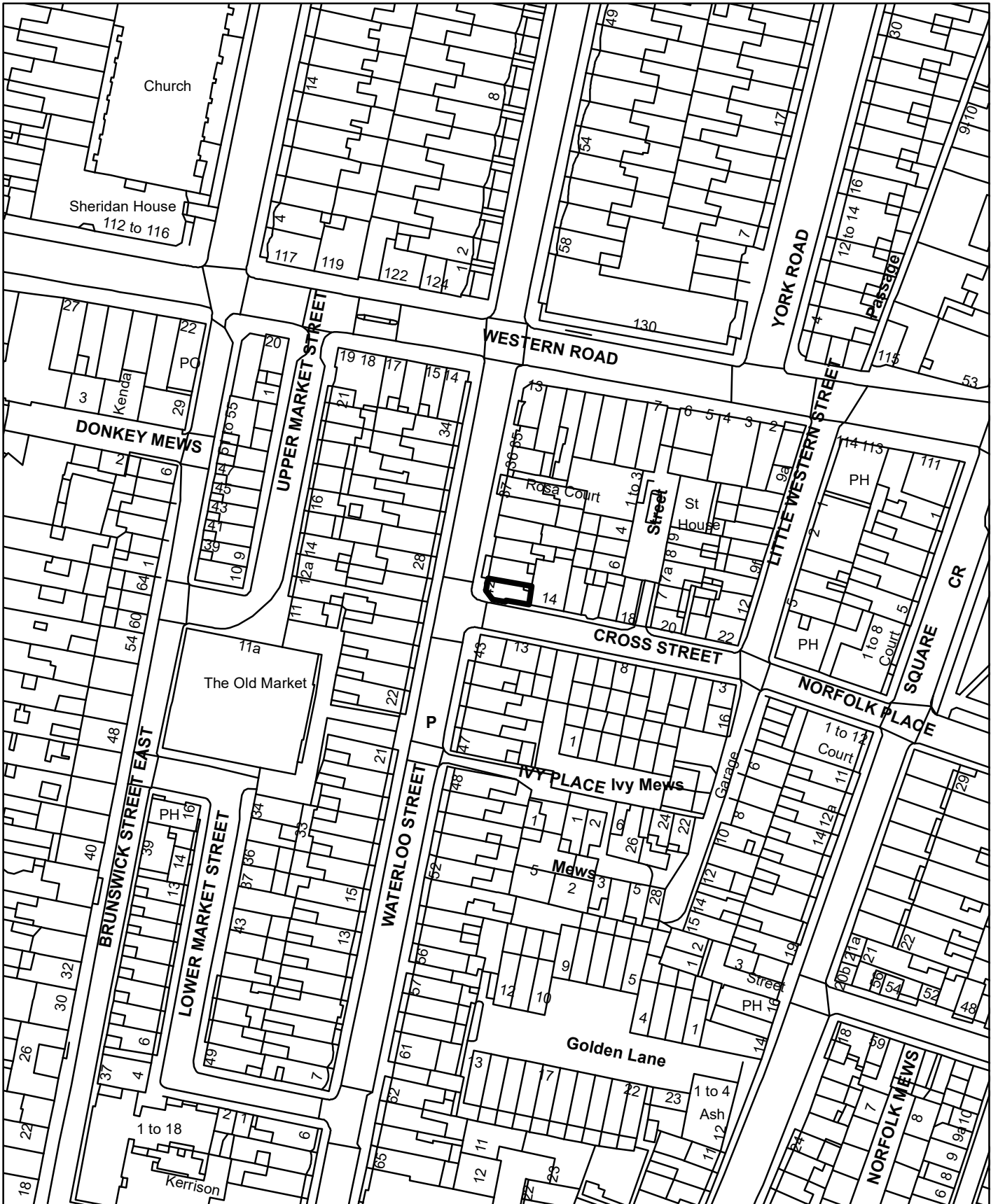
Comment: The properties are positioned in an arc progressively set back from the road - the property extends too far out in the front. Also the boundary gap needs to be consistent with other properties & consideration given to the neighbours (light) & height.

ITEM C

**42 Waterloo Street
BH2024/02461
Full Planning**

DATE OF COMMITTEE: 8th January 2025

BH2024 02461 - 42 Waterloo Street



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2024/02461	<u>Ward:</u>	Brunswick & Adelaide Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	42 Waterloo Street Hove BN3 1AY		
<u>Proposal:</u>	Conversion of restaurant and staff flat above to create 6no person small house in multiple occupation (C4).		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	08.10.2024
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	03.12.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	14.01.2025
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Rob Hogley C/O Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		

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	23-P14-01		8 October 2024
Block Plan	23-P14-02		8 October 2024
Proposed Drawing	23-P14-60	C	8 October 2024

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The small HMO (C4) use hereby approved shall be for 6 person occupancy only and shall be implemented in accordance with the proposed layout detailed on the proposed floorplans and shall be retained as such thereafter. The kitchen, living room and dining room areas shall be retained as communal space at all times and shall not be used as a bedroom(s).

Reason: To ensure a suitable standard of accommodation for occupiers and to comply with Policy DM1 and DM7 of the Brighton & Hove City Plan Part Two.

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.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. SITE LOCATION

- 2.1. The application property is a three-storey over basement terraced house situated on the eastern side of Waterloo Street, at its junction with Cross Street which extends along the southern boundary of the site. The property is in the Brunswick Town Conservation Area.
- 2.2. The property contains a restaurant with a staff flat above.

3. APPLICATION DESCRIPTION

- 3.1. The application is seeking planning permission for the change of use of the property from a restaurant (planning use class E) with ancillary residential accommodation to a six person House in Multiple Occupation (HMO)(planning use class C4). No external alterations are proposed.

4. RELEVANT HISTORY

- 4.1. **BH2024/01729** Conversion of restaurant and staff flat above to create 8no. person large house in multiple occupation (Sui Generis). Refused 06 September 2024 for the following reason:
"The proposed development, by reason of a lack of light, outlook and size of the basement level communal space, together with limited ceiling height to this floor, would offer gloomy and oppressive living conditions for future occupiers, which would disincentivise the use of the communal areas. The proposed bedrooms

are not considered large enough to offer a genuine alternative for occupiers to meet their socialising needs. For the reasons outlined, the proposed development would be contrary to policies DM1 and DM7 of the Brighton and Hove City Plan Part Two."

- 4.2. **BH1998/01644/FP** Installation of new shopfront together with installation of new bay windows at first and second floors on west elevation. Approved 23/12/1998
- 4.3. **BH1998/00086/FP** Change of use from retail (Class A1) to restaurant (Class A3). Approved 02/04/1998

5. REPRESENTATIONS

- 5.1. Seven (7) letters of representation have been received objecting to the proposed development for the following reasons:
- Parking stress
 - Pressure on refuse/recycling bins
 - Noise impact: sound proofing/mitigation should be included
 - Substandard living conditions
 - Too many HMOs already.
- 5.2. **Councillor Sykes** Objects to the proposed development for the following reasons:
- Welcomes modifications since previous application.
 - Concerns about noise and fire risk.
 - Risk of communal spaces being converted to bedrooms after completion.
- 5.3. A copy of their representation is attached to this report.

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** Comment
The existing building does not have any car parking provision, and this is to remain the case as part of this proposal. Due to the site's central location with excellent access to public transport and the nature of the accommodation (HMO), it is considered that the absence of car parking is acceptable.
- 6.2. The Parking Standards SPD 14 sets the minimum of 0.15 cycle parking space per bedroom, which equates to 1 cycle parking space for this development. The applicant does not submit any information regarding cycle parking provision. However, consider the constrained nature of the site and proximity to the public bike share facilities the absence of cycle parking is considered to be acceptable.

7. MATERIAL CONSIDERATIONS

- 7.1. 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.

- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing

Supplementary Planning Documents:

SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the principle of a HMO can be supported in this location having regard to HMO policies; the proposed standard of accommodation for the HMO; impacts on neighbouring amenity; and transport matters.

Principle of the Development:

- 9.2. The application seeks consent for the change of use from a restaurant (planning use class E) with staff flat to a four-bedroom, six person, small HMO (C4). The submission drawings indicate that two of the bedrooms would be suitable for dual occupancy.
- 9.3. The application site is an individual former commercial unit which is not situated within a designated retail centre, although it is close to the Brunswick Town Local Shopping Centre identified under policy CP4 of the CPP1 and DM12 of CPP2 which accommodates a range of retail uses. The site is not within an Important Local Parade as identified in policy DM13. There is no specific policy protection for an individual retail unit in this location, and the loss of this premises is considered acceptable in principle.
- 9.4. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) and states that:
"In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use, a mixed C3/C4, or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- *More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use."*
- 9.5. A mapping exercise has been undertaken (November 2024) which indicates that there are 206 dwellings within a 50m radius of the application property, 11 of which have been identified as being in HMO use. The percentage of neighbouring dwellings in HMO use within the radius area is thus 5.34%.
- 9.6. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to a four-bedroom small HMO (C4) would be in accordance with the aims and criteria of policy CP21.
- 9.7. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:
"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:
- a) *fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
 - b) *the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
 - c) *the proposal does not lead to a continuous frontage of three or more HMOs;*
 - d) *the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*
 - e) *communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."*

9.8. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 2.7% so it has been met. In relation to criterion b), the area has been assessed and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; nor would it lead to a continuous frontage of three or more HMOs so would accord with criterion (c). Full considerations regarding amenity space and communal living (criteria (d) and (e)) are set out below.

9.9. On this basis, in principle there is no objection to the change of use of the property to a HMO, subject to further considerations as set out below.

Standard of Accommodation:

9.10. The proposed standard of accommodation is being considered against Policy DM1 of CPP2 which incorporates the minimum space standards within the Nationally Described Space Standard (NDSS) into the development plan. The requirement to meet these standards is further emphasised within d) and e) of Policy DM7 of CPP2.

9.11. In terms of the bedrooms, the two bedrooms indicated as being dual-occupancy exceed 11.5m² and the single rooms exceed 7.5m² in accordance with NDSS recommendations. The bedrooms are considered to be of adequate size and proportions to accommodate the necessary furniture and circulation space. All bedrooms would be served by existing windows which would provide adequate natural light and outlook as well as natural ventilation.

9.12. The proposed layout includes use of part of the ground floor (18.3m²) as well as the entire basement (comprising a kitchen of 8.1m² and living space of 20.3m²) as communal living space for occupiers. The overall provision of communal space is 46.7m² in these areas. The provision would significantly exceed the recommended 4m² per occupier recommendation for communal space within the supporting text of DM7. Three bedrooms would also benefit from a kitchenette.

9.13. It is noted that the previous planning application for an eight person HMO was refused by reason of poor natural light/outlook of basement level communal areas. The current application differs in that it would have a reduced occupancy of six people, and the addition of 18.3m² of communal living space on the ground floor which would be well served for natural light and outlook. Overall, it is considered that the proposal as amended would offer acceptable living conditions due to a lesser reliance on the basement level, and fewer people being resident.

9.14. The property would retain a small garden space. The provision is not untypical of the locality, and would supplement the internal communal space in the summer months.

9.15. On this basis, the use of the building as a HMO is considered acceptable in principle.

Impact on Amenity:

- 9.16. Policy DM20 of City Plan Part Two states that planning permission for any development or change of use will not be granted where it 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.
- 9.17. The proposed change of use from a restaurant and flat to HMO may create more comings and goings from the property and in a different pattern to the existing use. However, it is not considered that the difference in comings and goings would amount to such demonstrable harm to neighbouring properties to warrant refusal of the application, particularly given the previous restaurant use and associated operation during evening hours. Any unforeseen noise/disturbance experienced by neighbouring occupiers could be investigated under environmental health legislation.
- 9.18. It is noted that the previous application for an eight-bedroom HMO on the site (ref. BH2024/01729) was considered acceptable in terms of its impact on residential amenity having been refused only for the poor standard of accommodation.
- 9.19. Refuse/recycling is accommodated via on-street communal bins, which is satisfactory to serve the development.
- 9.20. The development is considered to be in accordance with policy DM20 of the City Plan Part Two.

Sustainable Transport:

- 9.21. The proposed change of use would not result in an increase in vehicle trips of a magnitude which would warrant objection. It is also noted that there are amenities within walking distance and also good bus links to most of the city.
- 9.22. The applicant does not propose any cycle parking space for this proposal. Parking Standards SPD14 requires a minimum of 1 space per two-bedspaces is required. Due to the site constraints and given the previous use of the site as a restaurant/living accommodation without any cycle parking on site it is not considered reasonable to object on the basis of insufficient cycle parking. While there is potentially space in the rear garden to store cycles, there is no convenient route to get them to/from the garden from the street.
- 9.23. No car parking is being proposed. The site is located within a controlled parking zone which would protect against overspill parking into the surrounding roads.
- 9.24. Accordingly, the proposal would be acceptable on highway and transport grounds.

Biodiversity Net-Gain:

- 9.25. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

Conclusion:

- 9.26. As set out above, in principle the creation of a HMO in this location is supportable due to concentrations within the 50m radius being below the limit set by policy CP21 (CPP1) and the concentration in the wider locality being below the maximum amount set within policy DM7 (CPP2). The standard of accommodation which would be offered would be acceptable as would the impact on occupiers of neighbouring properties.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

**Cllr. Ollie Sykes
BH2024/02461 - 42 Waterloo Street**

25th November 2024

A late comment on application BH2024/02461 follows.

Local resident concern about this application remains despite the proposed occupant number having been reduced and an additional ground floor communal area being added instead of a bedroom.

While I welcome the modifications made by the developer, I continue to share the concerns of residents, in that a change at this location to HMO greatly increases the use density and impact on the immediate area. I think there are two areas that planners /committee needs to consider:

- Noise impact and fire risk to neighbouring properties
- Risk of communal spaces being changed to bedrooms after completion

Regarding noise impact and fire risk to neighbours, both are likely increased by the removal of chimney breasts on the basement, ground and first floors. No mitigation is indicated on the plans and should be included in conditions.

Regarding risk of non-compliance with consented after completion i.e. by adding an additional bedroom, this is difficult to monitor but advice against this could be included in the decision note alongside information about penalties for such a breach.

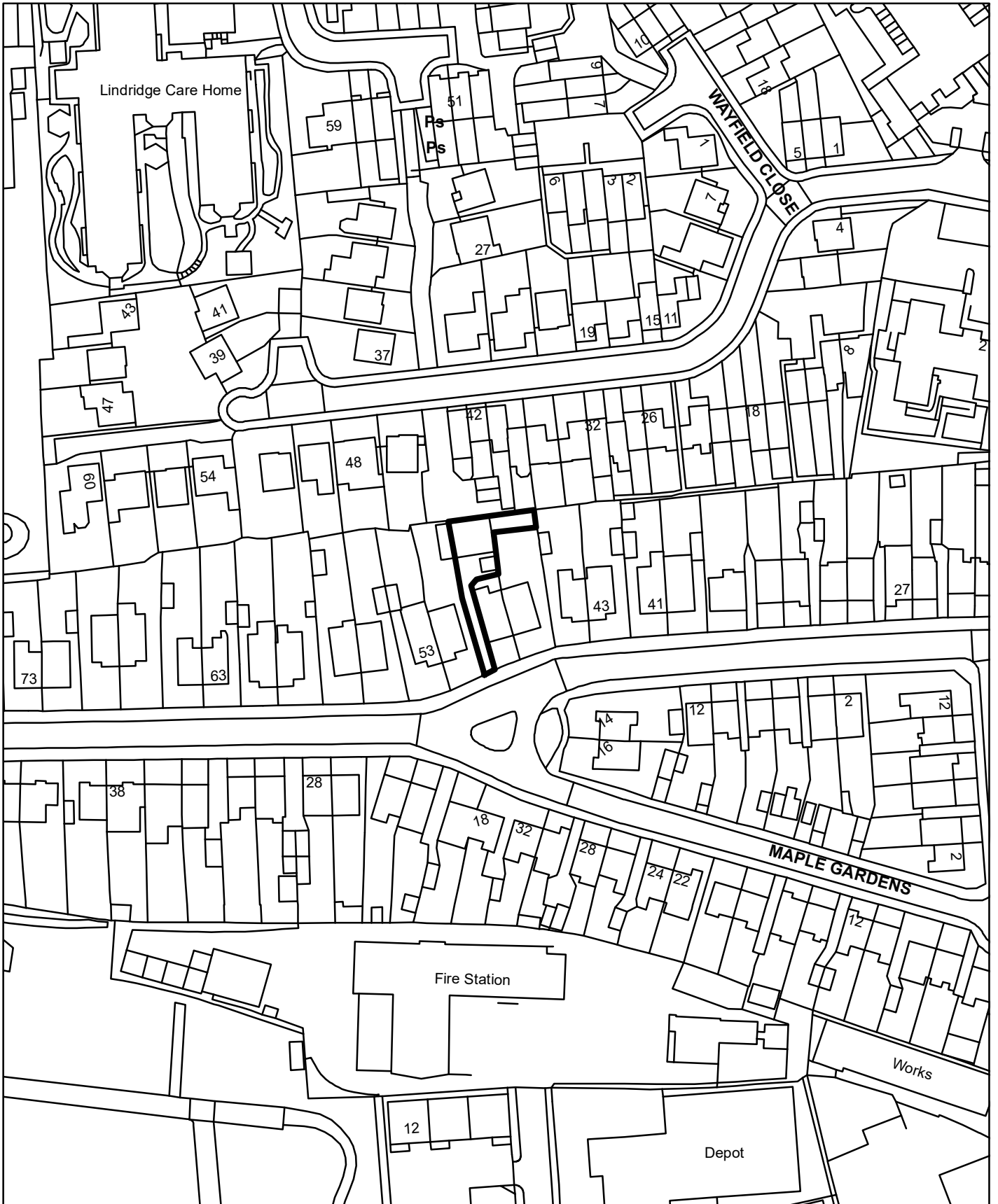
Resident letters have also raised the likely noise impact to bedroom 01 from movement above and planning officers may wish to add a requirement for sound insulation to mitigate this.

ITEM D

**Studio Workshop at Rear, 49 Elm Drive
BH2024/01873
Householder Planning Consent**

DATE OF COMMITTEE: 8th January 2025

BH2024 01873 - 49 Elm Drive



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2024/01873	<u>Ward:</u>	Hangleton & Knoll Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	Studio Workshop at Rear 49 Elm Drive Hove BN3 7JA		
<u>Proposal:</u>	Alterations to approved scheme BH2023/01017, incorporating the deletion of north facing windows, and the reduction in height of the east end of the dormer, and other associated alterations. (Retrospective)		
<u>Officer:</u>	James Ing, tel: 290485	<u>Valid Date:</u>	06.09.2024
<u>Con Area:</u>	None	<u>Expiry Date:</u>	01.11.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:			
Applicant:	Paul Heath 7 Montpelier Villas Brighton BN1 3DH		

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
Proposed Drawing	PLAN 1A		3 December 2024
Location Plan	SITE LOCATION PLAN		6 September 2024
Proposed Drawing	PLAN 1		30 July 2024

2. Noise associated with the air source heat pump, hereby approved, shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

3. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development)

(England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies CP12 of the Brighton & Hove City Plan Part One, and DM18, DM20 and DM21 of the Brighton & Hove City Plan Part Two.

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. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. SITE LOCATION

- 2.1. The application site comprises a single storey detached dwelling to the rear (north) of the plot of no.49 Elm Drive in Hangleton. It backs on to the rear of dwellings on Wayfield Avenue.
- 2.2. The property was originally built as an incidental outbuilding servicing the main dwellinghouse. However, it has been in use as a separate dwellinghouse since at least 2016 so in planning terms the use as a separate dwellinghouse is now

considered lawful, as has been confirmed through a Lawful Development Certificate (ref. BH2020/02147).

- 2.3. Planning permission was granted in 2023 for alterations to the building, namely the addition of a new roof along with other works (see below ref. BH2023/01017). These works have now been undertaken, with a new roof erected, incorporating a dormer, and alterations to fenestration. However, the works differ to those approved, hence the present application.
- 2.4. A site visit has not been undertaken in this instance; however, the impacts of the proposal can be clearly assessed from the site photos and plans and provided by the applicant, from recently taken aerial imagery of the site, and from recent site photos and site visits conducted by the Planning Enforcement Team

3. RELEVANT HISTORY

- 3.1. **BH2024/01035** - 'Non-Material Amendment to application BH2023/01017 to omit 2no windows to North and 2no windows to West elevations, installation of slope to dormer roof with tiling up to underside of dormer window, 4no photovoltaic panels to South facing roof, rendered walls painted chalk white and internal alterations to layout.' - Refused on 30 May2024, because:
"The proposed revisions to the approved scheme (BH2023/01017) would be outside the scope of the original planning permission and therefore constitute a material amendment to the original planning permission."
- 3.2. **BH2023/01017** - 'Erection of a new roof, incorporating a dormer and rooflights. Incorporates fenestration alterations, and the removal of existing summerhouse with additional landscape planting.' - Approved by the Planning Committee on 08/08/2023
- 3.3. **ENF2023/00534** - Enforcement case which is ongoing
- 3.4. **BH2023/00026** - 'Demolition of existing studio and erection of 2no bedroom dwelling (C3).' - Withdrawn
- 3.5. **BH2021/00573** - 'Prior approval for the erection of an additional storey to form a first floor extension.' Prior Approval Refused for three reasons (below); Appeal Dismissed, with the Inspector upholding only reason for refusal no.3:
 1. *The proposed development includes slate roof tiles which are dissimilar in appearance to the existing corrugated roofing material. The development would not therefore represent permitted development as it would breach the restrictions of Schedule II, Part One, Class AA.2(2a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*
 2. *The proposed additional storey would include windows that would be highly visible from the private gardens and rear windows of properties including no.44 Wayfield Avenue and nos. 49 and 51 Elm Drive; this would result in significant perceived loss of privacy for occupants of these properties which would be detrimental to their amenities.*

3. *By virtue of the building's position, size and materials, the design and architectural features of the principal elevation of the dwellinghouse as a result of the proposed development would result in a bulky building form which would be out of character with the area and harmful to the wider streetscene."*
- 3.6. **BH2020/03788** - 'Prior approval for the erection of an additional storey to form a first floor extension.' - Prior Approval Refused
 - “1. *The proposed additional storey would include windows that would provide unobstructed views into the private gardens and rear windows of properties including no.44 Wayfield Avenue and nos. 49 and 51 Elm Drive; this would result in overlooking that would cause a significant perceived and actual loss of privacy for occupants of these properties which would be detrimental to their amenities.*
 2. *By virtue of the building's position, size and materials, the design and architectural features of the principal elevation of the dwellinghouse as a result of the proposed development would result in a bulky and utilitarian building which would be out of character with the area and harmful to the wider streetscene."*
- 3.7. **BH2020/02147** - 'Certificate of lawfulness for existing use as 3no self-contained dwellings (C3).' - Approved
- 3.8. **BH2003/00656/CL** - 'Certificate of Lawfulness for proposed development of a block-built garage under a tiled roof.' - Approved

4. APPLICATION DESCRIPTION

- 4.1. Retrospective planning permission is sought to regularise alterations to the property that do not align with what was approved in application ref. BH2023/01017 . These alterations comprise: the infilling of 2no. pre-existing windows on the west elevation and the omission of 2no. approved windows from the northern gable elevation; the installation of a downwards slope to dormer roof where the approved is flat, with tiling up to the underside of the dormer window; the installation of 4no. photovoltaic (solar) panels on the south facing roof; the installation of an Air Source Heat Pump (ASHP) to the front of the property; the installation of white painted render to the exterior walls; minor alterations to the front elevation fenestration; and the installation of grey weatherboarding to the gable end of the roof.
- 4.2. It is noted that a pergola has also been installed on the front elevation. This has not been included in the plans submitted as part of this application because the applicant has stated that they intend to remove it.

5. REPRESENTATIONS

- 5.1. In response to publicity, responses were received from **7 (seven)** individuals, objecting to the application for the following reasons:

- Inappropriate height of development
- Noise pollution
- Overdevelopment/excessive building density in local area
- Overshadowing/light loss
- Loss of outlook
- Overlooking/loss of privacy
- Would create additional traffic/parking stress
- Too close to boundary
- Sets undesirable precedent
- Potential for being converted into an HMO
- Concerns over the development differing to what was approved
- Concerns relating to the depth of the foundations

5.2. **Councillor John Hewitt** objected to the application raising concerns that the dormer is larger than what was agreed and is of an inappropriate height. A copy of the representation is attached to this report.

5.3. Full details of representations received can be found online on the planning register.

6. **CONSULTATIONS**

None.

7. **MATERIAL CONSIDERATIONS**

7.1. 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.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016)
- Brighton & Hove City Plan Part Two (adopted October 2022)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. **RELEVANT POLICIES & GUIDANCE**

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP9	Sustainable Transport

CP10	Biodiversity
CP8	Sustainable Buildings
CP12	Urban Design
CP13	Public Streets and Spaces

Brighton & Hove City Plan Part Two

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, Sustainable and Active Travel
DM35	Travel Plans and Transport Assessments
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD06	Trees and Development Sites
SPD11	Nature Conservation and Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the impact of the development on the appearance and character of the host building and the wider area, and the amenities of adjacent occupiers and future occupiers of the application site.
- 9.2. In considering the application, the extent of the approved works must be taken into account as these have already been deemed acceptable. Given these have been approved, it is only the impact of the amended works that can be considered.

Design and Appearance:

- 9.3. The application site is on backland, set well back from Elm Drive so has little impact on the streetscene, though it is visible along the driveways between 49 and 51 Elm Drive.
- 9.4. The built dormer differs to the approved dormer (under application BH2023/01017) by having a downwards sloping roof rather than a level roof, and a smaller window, with roof tiles leading up to the window, in between the dormer cheeks. The built dormer continues to adhere to SPD12's design guidance, being largely finished with hanging tiles to match the main roof, and clearly being a subordinate, appropriately proportioned addition to the host dwelling.
- 9.5. The fenestration alterations are acceptable, with the infilled/omitted windows having no bearing on the design of the application site, and the alterations to the

approved front elevation representing an aesthetic enhancement to the site, by improving the symmetry of the front elevation. Similarly, the installed white painted render is an improvement on the previously approved white painted breeze blocks, and is therefore acceptable. There is precedent for dwellings finished with white painted render in the local area, helping the application site look less incongruous in its setting.

- 9.6. The installed grey weatherboarding marks a departure from the colours seen in the rest of the application site, and therefore appears as somewhat incongruous, however, the harm is not severe enough to warrant refusal.
- 9.7. The installed PV panels and ASHP are unattractive alterations that harm the appearance of the application site, however, this harm has to be balanced against the public benefit of improving the site's sustainability. Considering the guidance of City Plan Part One policy CP8 (Sustainable Buildings), the PV panels and ASHP are considered to not be harmful enough to warrant refusal.
- 9.8. Further to the aforementioned points, the LPA's decision is informed by the fact that the PV panels and ASHP could be installed under Permitted Development rights, and therefore benefit from a 'PD fallback'.
- 9.9. Additionally, although application ref. BH2023/01017 removed PD rights relating to general alterations to dwellings (Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015), it is noted that had these rights not been removed and notwithstanding the black framed fenestration, the fenestration alterations, dormer and rendering could have been achieved under PD rights, and therefore represent forms of development that are generally uncontentious.
- 9.10. The alterations are considered to be suitable additions to the application site that would not harm its appearance or that of the wider area, in accordance with policy DM18 and DM21 of City Plan Part 2 and SPD12 guidance.

Impact on Amenities:

- 9.11. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it 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.
- 9.12. The fenestration alterations have been appropriately sited, resulting in minimal harm from overlooking or loss of privacy. The afforded views as a result of the front elevation alterations would be similar to those afforded by the approved fenestration arrangement. The omitted north elevation windows were set to be fitted with an obscure glazing, and the infilled west elevation windows were situated at a high level, their infilling/omission has therefore resulted in a largely neutral impact to neighbouring privacy. As approved, the built dormer features glazing that is heavily recessed within the dormer's cheeks, as evidenced by the Planning Enforcement Team's site photos, the dormer only affords oblique views of neighbouring properties. The fact that the sloping roof further obscures views from the dormer means neighbouring privacy is further improved.

- 9.13. Furthermore, the sloping roof makes the development marginally less overbearing and would allow further natural light to pass the application site's roof - though it's noted that the dormer would largely only cast shadow onto a double garage in any case.
- 9.14. The installed PV panels and ASHP may result in harm to amenity by, respectively, solar glare and additional noise. However, as outlined above, these elements of the development benefit from a PD fallback and are therefore not considered harmful enough to warrant refusal. A condition regarding noise levels is recommended and an informative has been attached to remind the applicant that planning permission for the ASHP does not preclude the property from noise complaint investigations from the Environmental Health Team.
- 9.15. The impact on the adjacent properties has been fully considered in terms of daylight, sunlight, outlook and privacy and no significant harm has been identified.
- 9.16. The omission of several approved windows has reduced the amount of natural light reaching the interior of the property, potentially affecting the amenity of future residents. However, provided fenestration and rooflights ensure enough light to habitable rooms to comply with City Plan Part Two policy DM1.

Other Matters:

- 9.17. It is noted that many of the letters of objection received relate to the principle of the application site existing as a legitimate self-contained dwelling, rather than as an annexe but this has already been approved under permission ref. BH2020/02147). Objections also relate to the roof alterations that were already approved at Committee under application ref. BH2023/01017. These issues cannot be taken into account. Therefore, for the reasons set out in this report, assertions that the alterations for which retrospective planning permission is sought are harmful to amenity are rejected, the alterations have largely resulted in a neutral or positive impact on amenity.
- 9.18. The applicant would not be able to convert the application site into a House in Multiple Occupation (HMO) without planning permission.
- 9.19. Concerns relating to the depth of the foundations are not a material planning consideration.
- 9.20. It is regrettable that the applicant has not discharged condition no. 4 of application ref. BH2023/01017, which required protection of the street tree during demolition/construction. However, it is noted that no harm to trees in the immediate area has been reported or witnessed by the Planning Enforcement Team. It is further noted that the ecological outcomes of the application site have been improved via the installation of a south facing bee brick, and a bat box.
- 9.21. Please note that this scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.

Conclusion:

- 9.22. The development is considered to be acceptable in terms of appearance and the impacts it would have on the amenities of neighbours, particularly noting the extent of works already approved as acceptable through the previous permission. The application is therefore considered to be in accordance with policies CP8 and CP12 of the Brighton and Hove City Plan Part One, and DM18, DM20 and DM21 of the City Plan Part Two, along with SPD12 guidance.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount of money owed, if any, will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

11. EQUALITIES

Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 11.1. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

Cllr. John Hewitt

BH2024/01873 – Studio Workshop At Rear 49 Elm Drive

26th September 2024:

I object to application BH2024/01873.

The dormer is larger than what was agreed following a previous application, which went to Planning Committee where objections were presented.

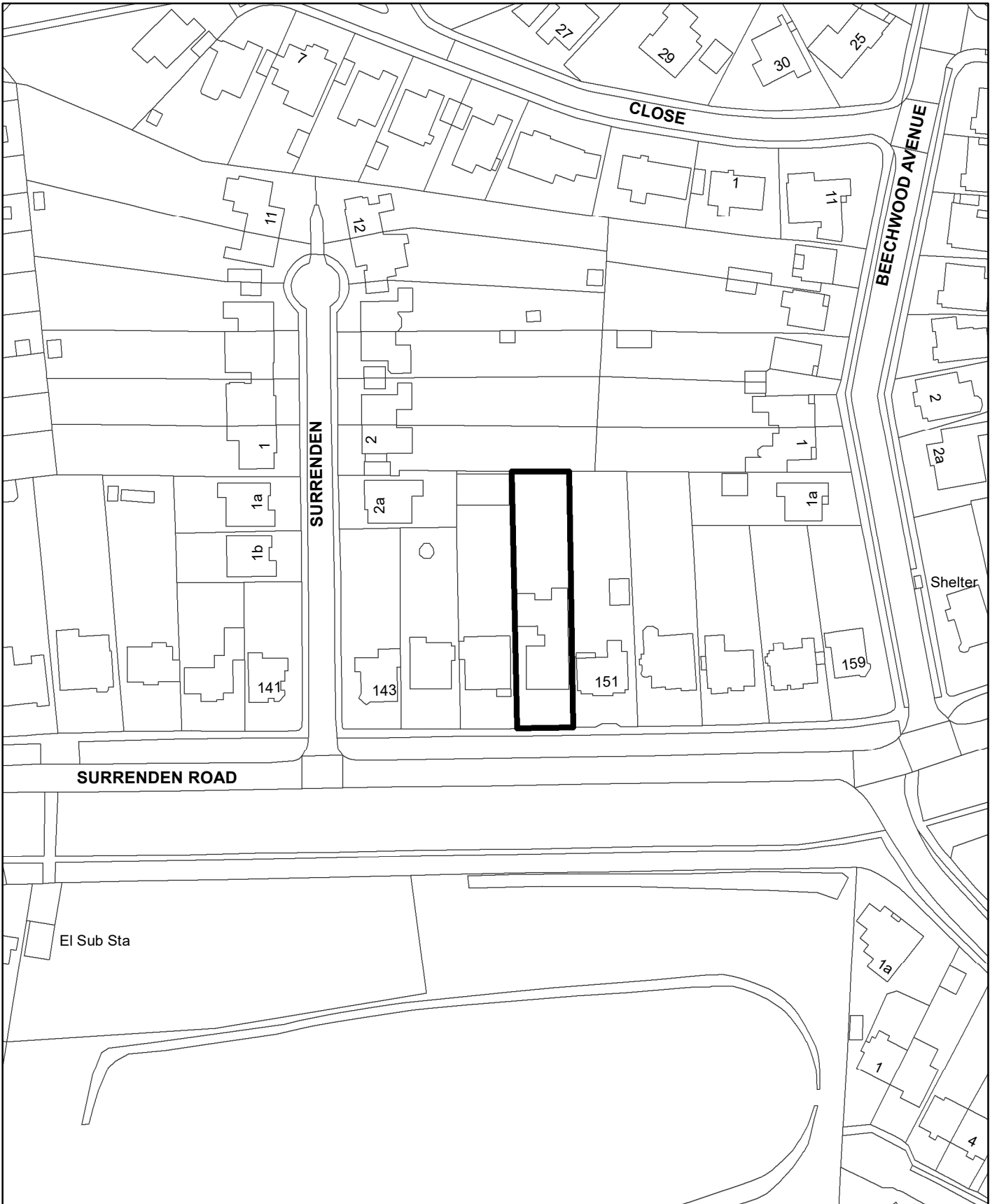
This application is of an inappropriate height.

ITEM E

**149 Surrenden Road
BH2024/00553
Householder Planning Consent**

DATE OF COMMITTEE: 8th January 2025

BH2024 00553 - 149 Surrenden Road



N



Scale: 1:1,250

<u>No:</u>	BH2024/00553	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	149 Surrenden Road Brighton BN1 6ZA		
<u>Proposal:</u>	Re-modelling of existing dwelling to include new pitched roof with front projecting gable and inset front balcony, erection of single storey side and rear extensions, new rooflights to existing rear projection, removal of existing conservatory, revised fenestration, landscaping alterations, raised area to the front of the property and associated works.		
<u>Officer:</u>	Vinicius Pinheiro, tel: 292454	<u>Valid Date:</u>	05.07.2024
<u>Con Area:</u>	None	<u>Expiry Date:</u>	30.08.2024
<u>Listed Building Grade:</u>		<u>EOT:</u>	05.11.2024
<u>Agent:</u>	Mr Tim Deacon 9 Longshore Drive Shoreham-by-Sea BN43 6DJ		
<u>Applicant:</u>	Mr & Mrs Cockle 149 Surrenden Road Brighton BN1 6ZA		

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
Proposed Drawing	164.PL.04		8 October 2024
Proposed Drawing	164.PL.05		8 October 2024
Proposed Drawing	164.PL.06		8 October 2024

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The new windows at first-floor level to the east and west elevations of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

4. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.

Reason: To enhance the biodiversity of the site and to comply with Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

5. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

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. The applicant should be aware that the site may be in a radon affected area. If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE2011). Radon protection requirements should be agreed with Building Control. More information on radon levels is available at <https://www.ukradon.org/information/ukmaps>
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the legislation.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. SITE LOCATION

- 2.1. The application relates to a detached property located on the north side of Surrenden Road. Directly opposite the site are the grounds of Varndean College. The property is not within a conservation area and there are no Article 4 Directions covering the site relating to extensions or alterations.
- 2.2. The street scene is residential in character and features largely two storey detached dwellings with pitched roofs. The character of the street scene is of substantial two storey dwellings which share some similar characteristics of hipped concrete roofs, projecting front bays, white render and a variety of brick types.
- 2.3. The application site is an extended bungalow which has been significantly altered and extended at the front and rear and currently presents as a two storey property by virtue of a large front facing dormer. The application site sits on a raised ground level, separated from the public highway by a banked front lawned garden. It has a sloped side vehicle access leading to a garage to the rear.
- 2.4. The building is materially finished with white render over a brick base and has a red tiled roof and dormer. The site presents as something of a visual anomaly within the street scene being of a different form from the majority of nearby properties and is smaller in height than both of its adjacent neighbours. The application site has undergone a number of extensions and alterations to the front and rear over the years including large front and rear dormers together with a number of pitched and flat roof extensions at the rear in a variety of forms and sized extensions.
- 2.5. A number of other rear extensions are present in the area, including at the adjoining property no. 147 Surrenden Road. Some of the properties within the street had their roofs extended, including no. 145 Surrenden Road.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for the significant re-modelling of the existing dwelling. The proposal would include raising the ridge by 3m to form a new pitched roof with side gables and remodelling the existing roof space to create a more formalised first floor. A front gable feature is proposed across ground and first floor, projecting forward of the existing front elevation by 1.3m with tile hanging and an inset front balcony at first floor.
- 3.2. The building would be extended to the rear at first floor level by approximately 4m to sit within the new remodelled roof, and the existing rear pitched and flat roof extensions at ground floor would also be part remodelled/rationalised and re-roofed. An existing conservatory would be removed from the rear elevation. Revised fenestration, landscaping alterations including a front raised planting bed and a raised front terrace area and associated works are also proposed as part of the application.

- 3.3. Following officer advice, the application has been significantly amended from an original scheme which first proposed additional extensions to the existing dwelling rather than the comprehensive remodelling now proposed.

4. RELEVANT HISTORY

- 4.1. **BH2003/01497/FP** - Single storey rear extension. Approved 08.07.2003

5. REPRESENTATIONS

- 5.1. **Six (6)** comments have been received to the initial consultation objecting to the proposal for the following reasons:
- Overdevelopment
 - Overshadowing
 - Restriction of view
 - Too close to the boundary
 - Poor design
 - Inadequate drawings
 - Inappropriate Height of Development
 - Overlooking
- 5.2. **Following re-consultation on the amendments to the application one (1)** comment has been received objecting to the proposal for the following reasons:
- Loss of privacy due to the conversion of the rear garage.
- 5.3. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

- 6.1. **Southern Water:** Approve with conditions 13.11.2024.
The applicant has not provided details of the proposed means of disposal of foul and surface water drainage from the site. Southern Water is unable to comment fully on this Planning Consultation until such time as the relevant information is provided.

7. MATERIAL CONSIDERATIONS

- 7.1. 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
- 7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP10	Biodiversity
CP12	Urban design

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Document:

SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposal and its impact on the street scene, and the impact on neighbouring amenity.
- 9.2. An officer site visit has been undertaken and the impacts of the proposal can also be clearly assessed from the plans, photographs and from recently taken aerial imagery of the site.

Design and Appearance

New Pitched roof with front projecting gable and front balcony

- 9.3. The new roof would have a ridgeline approximately 3m higher than the existing ridge. Whilst the new roof would substantially change the appearance of the property, it is considered to improve and consolidate the frontage, and the finished ridge height would remain suitably between the heights of the neighbouring properties at 147 and 151 Surrenden Crescent. Therefore the

increase in height would assimilate well within and reflect the changing heights within the existing street scene.

- 9.4. The front projecting gable would include an inset balcony at first floor level. The projecting bay is a common feature of many of the houses within the street so it is considered to be in keeping with the character of the area. Whilst it would extend forward of the existing front elevation of the property by 1.3m there is variation in the building lines in the street scene and the host property is already set marginally further back from the public highway than its immediate neighbours. Whilst balconies are not a common feature of the street it would not project forward of the roofline and would not be visible except when directly opposite the site.
- 9.5. At ground floor level, a terrace area is provided to the front of the property along with a raised planting bed and the installation of powder coated aluminium doors. Whilst the installation of metal railings to the balconies and new fenestration would vary in material from the existing, it is noted that there is already considerable variation on the existing property and also wider street scene in regard to size, form and colour of frames. No concerns are raised in this regard.
- 9.6. The overall material treatment to the front would largely reflect the palette of materials found within the wider area with tile hanging at first floor and a render finished ground floor. Overall it is considered that the visual appearance of the proposed development would assimilate well and be a visual improvement over the existing property, causing no harm within the street scene or wider area.

Side extension

- 9.7. The application includes a single storey side extension which would be 8.5 metres in depth and some 3 metres in height with a flat roof. The single-storey extension would be set back from the property's front elevation and the walls would be finished in white render. The extension would largely house the cycle and refuse storage and due to the set back from the front elevation would cause no visual harm.

Ground Floor Rear Extension

- 9.8. The application proposes a rationalisation of the existing ground floor rear extensions which would be contained to the rear of the property and would not be visible from public vantage points. Whilst the footprint of extensions and alterations at the rear is substantial the overall form proposed is similar to the existing and utilises much of the existing footprint.
- 9.9. The most significant alterations to the existing rear extensions would involve the removal of the existing conservatory structure in the northern part of the site and the reroofing of the existing structures with rooflights. The existing pitched roof projection on the eastern side would undergo some minimal changes to the roof form and the link with the main house, however the changes do not increase the overall form or bulk of the existing extension.
- 9.10. The existing single storey garage is proposed to be converted to additional bedroom and office accommodation. The building would retain its existing form

although the garage door would be replaced with opening doors to the garden courtyard. No concerns are raised in this regard.

- 9.11. Overall, the alterations proposed to the host building are considered to result in sympathetic additions that would not cause harm to the character and appearance of the street scene or wider area in accordance with DM18 and DM21 of the Brighton and Hove City Plan Part Two and CP12 of the Brighton and Hove City Plan Part One.

Impact on Neighbouring Amenity

- 9.12. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.
- 9.13. The impact on the adjacent properties have been fully considered in terms of overshadowing, daylight, sunlight, outlook and privacy and no significant harm as a result of the proposed development has been identified.
- 9.14. The overall increase in ridge height would cause no harm to neighbouring amenity through overshadowing beyond the existing situation. The alterations would add some additional overall bulk to the building at the rear, particularly at first floor, however, given the existing rear dormer, chimney, roof and form of the existing extensions this increase would not appreciably impact upon neighbouring properties over and above the existing situation.
- 9.15. The alterations and revised fenestration to the rear extensions are not considered to create any harmful overlooking as a result of the proposal and due to the single storey nature is furthermore not considered to give rise to any appreciable impacts with regards to being overbearing or causing loss of outlook.
- 9.16. The conversion of the garage to additional accommodation (bedroom and office) would potentially create some new views back towards the western neighbouring property and therefore a condition is recommended to ensure that the office doors are obscure glazed to minimise the likelihood of harm to neighbouring amenity from overlooking or loss of privacy.
- 9.17. Subject to the recommended condition it is considered that the proposed development would not cause adverse harm to the amenity of neighbours and would comply with DM20 of the Brighton and Hove City Plan Part 2.

Standard of Accommodation

- 9.18. As a result of the works, the number of bedrooms would be increased from 5 to 6 at ground and first-floor level. The bedrooms would meet the minimum floorspace standards and minimum widths required by policy DM1. All the accommodation provided and altered would benefit from sufficient outlook and natural light and would otherwise improve the overall floorspace and standard of accommodation complying with policy DM1 of the Brighton and Hove City Plan Part Two.

Other Matters

- 9.19. The majority of representations received have related to the earlier scheme and many of these objections are considered to be resolved with the amended scheme which has reduced the height and bulk of some of the rear alterations and visually improved the scheme. Loss of view is not material planning consideration.
- 9.20. The existing garage is proposed to be converted into habitable space. The loss of the garage is acceptable considering that parking space is being retained on the driveway.

Biodiversity Gain Plan

- 9.21. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a Householder application.

Conclusion

- 9.22. The proposed works are considered to improve the appearance of the building, consolidating previous extensions into a form which is more in keeping with the site and streetscene. The impact on neighbours would be acceptable, with the accommodation provided meeting the required standards. The scheme accords with development plan policy and taking into account planning policy and material considerations, including the NPPF, approval is recommended.

10. EQUALITIES

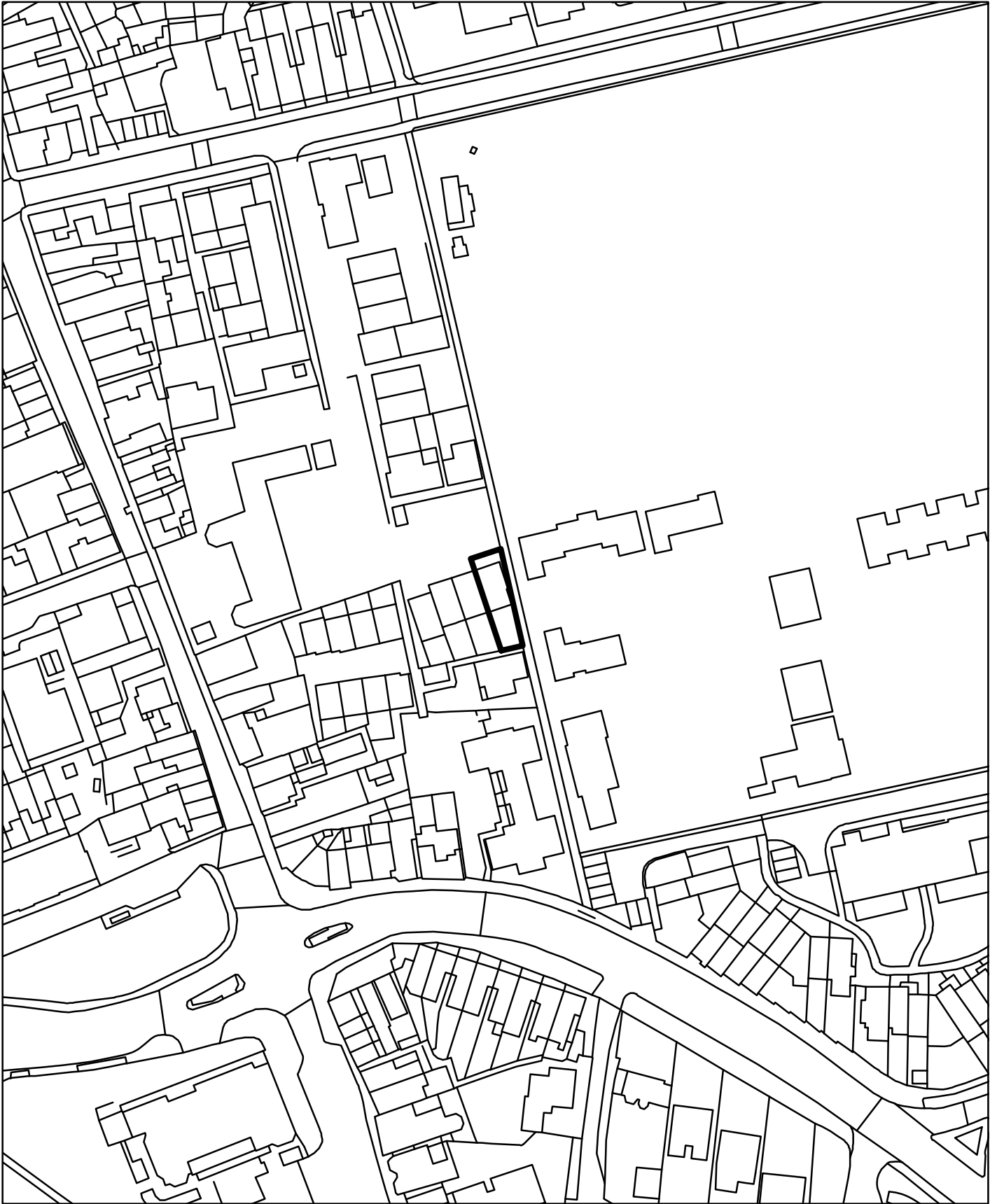
- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

ITEM F

**14 Nicholson Place
BH2024/02132
Householder Planning Consent**

DATE OF COMMITTEE: 8th January 2025

BH2024 02132 - 14 Nicholson Place



**Brighton & Hove
City Council**

N



Scale: 1:1,250

<u>No:</u>	BH2024/02132	<u>Ward:</u>	Rottingdean & West Saltdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	14 Nicholson Place Rottingdean Brighton BN2 7FZ		
<u>Proposal:</u>	Loft conversion with rooflights to front, side and rear.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	18.09.2024
<u>Con Area:</u>	Rottingdean	<u>Expiry Date:</u>	13.11.2024
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Mr Julian Adams Spring Cottage Colwood Lane Warninglid RH17 5UE		
<u>Applicant:</u>	Benjamin Fisher 14 Nicholson Place Rottingdean Brighton BN2 7FZ		

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
Proposed Drawing	Loft Plan		14 November 2024
Location Plan			30 August 2024
Proposed Drawing	F1/01	Rev A	7 November 2024

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The rooflights hereby approved shall have steel or cast metal frames colour-finished black or dark grey, fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part Two, and CP15 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. SITE LOCATION

- 2.1. This application relates to a new two-storey dwellinghouse, located on the southern end of Nicholson Place. The property lies within the Rottingdean Conservation Area and is within the boundary of the Rottingdean Neighbourhood Plan. There is also an Article 4 direction covering the conservation area which restricts alterations to dwellinghouses.

3. RELEVANT HISTORY

- 3.1. The erection of the dwelling was originally consented as part of the St Aubyn's School development approved under application BH2017/02680, which was later amended by application BH2020/01395.
- 3.2. **BH2020/01395** - Application for variation of condition 1 (approved plans) and condition 39 (schedule of historic features) and removal of condition 42 (details of new Field House balcony) of application BH2017/02680 (Conversion of existing building of Field House and part of its northern extension, Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing sports pavilion, war memorial, water fountain and chapel; demolition of all other buildings and redevelopment to provide a total of 93no new dwellings (including conversions), incorporating the provision of new/altered access from Steyning Road and Newlands Road, landscaping works, car and cycle parking, refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works.) for internal and external alterations to Field House, Rumneys and the cottages (condition 1), to remove requirement for submission of Schedule of Historic Features (Condition 39) and details for new Field House balcony (condition 42). Approved 16.08.2020
- 3.3. **BH2017/02680** - Conversion of existing building of Field House and part of its northern extension, Conversion and alteration of existing terraced cottages and Rumneys to residential use (C3). Retention of existing sports pavilion, war memorial, water fountain and chapel; demolition of all other buildings and redevelopment to provide a total of 93no new dwellings (including conversions), incorporating the provision of new/altered access from Steyning Road and Newlands Road, landscaping works, car and cycle parking, refuse facilities, alterations to boundary flint wall along Steyning Road and The Twitten and other associated works. Approved 08.02.2019

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for six rooflights in the front rear and side roof slopes.
- 4.2. The application has been subject to amendments which have altered the rooflight provision in terms of arrangement and a reduction of the overall number proposed.

5. REPRESENTATIONS

- 5.1. Representations have been received from two people and Rottingdean Parish Council, objecting to the proposed development for the following reasons:
 - Detrimental effect on property value
 - Overlooking
 - Not in keeping with the newly constructed houses
 - Would encourage further alterations and extensions
 - Overdevelopment
 - Inaccuracies on the plans
 - Lack of consideration for the Conservation Area.
- 5.2. Full copies of the public representations are available on the online public register.
- 5.3. **Councillor Fishleigh** has objected to the application and requested it be heard by the planning committee. A copy of the request is attached to this report.

6. CONSULTATIONS

None undertaken

7. MATERIAL CONSIDERATIONS

- 7.1. 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.
- 7.2. The development plan is:
 - Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
 - Rottingdean Neighbourhood Plan (made March 2024)

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1 Presumption in Favour of Sustainable Development

CP12 Urban design

CP15 Heritage

Brighton & Hove City Plan Part Two:

DM1 Housing Quality, Choice and Mix

DM18 High quality design and places

DM20 Protection of Amenity

DM21 Extensions and alterations

DM26 Conservation Areas

DM29 The Setting of Heritage Assets

Rottingdean Neighbourhood Plan:

H2 Design

H3 Design Principle in the Conservation Area and its Settings

Supplementary Planning Documents:

SPD09 Architectural Features

SPD12 Design Guide for Extensions and Alterations

SPD17 Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the development, and the impact on neighbouring amenity.

Background

- 9.2. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.3. The application site is subject to a condition removing permitted development rights from the new properties, and an Article 4 direction which has removed any permitted change to the roof of a dwellinghouse, including the installation of rooflights, without the submission of a planning application.
- 9.4. For these reasons, a planning application is required for the installation of rooflights. This does not mean such works would never be acceptable. The purpose of these restrictions is to ensure that the Local Planning Authority retains the right to review further alterations within sensitive locations, such as conservation areas.

Design and Appearance:

- 9.5. The proposal has been amended since it was originally submitted, with the amendments reducing the number of rooflights from eight to six. The arrangement of the rooflights has also been revised.
- 9.6. The amended plans showing six rooflights, which will be required by condition to be 'conservation style', are considered a suitable addition to the property. The two front rooflights would be aligned on the front roof slope. The smaller rooflight above the staircase on the side elevation is discreetly placed and largely obscured from view. The other rooflight on the rear roof slope is well placed and the remaining two rooflights are situated on the inner part of the rear projection, with limited visibility from ground level. The placement and design of the rooflights is considered to accord with policies DM26, DM29 of the City Plan Part Two and policies CP15 and CP12 of the City Plan Part One.
- 9.7. The proposal has been considered against policies H2 and H3 of the Rottingdean Neighbourhood Plan and given the minor changes to the roof appearance and no change to the form or shape of the roof, it is considered that the proposal is in keeping with the Neighbourhood Plan.

Impact on Amenity:

- 9.8. The proposed rooflights would not result in unacceptable overlooking, loss of privacy or perceived loss of privacy to the neighbours of adjoining and adjacent properties. They would not allow any additional views of neighbouring properties or otherwise result in any impacts.
- 9.9. The arrangement of the loft level would allow for the provision of additional living space for the dwelling which is considered acceptable and in accordance with policy DM1.

Other Matters:

- 9.10. The representations have raised concern that the rooflights would have a detrimental impact on property value. The potential impact on property values are not matters which can be considered under a planning application.
- 9.11. It is noted that the Councillor representation sets out that the application is made by the initial purchaser of this property. Planning permission runs with the land so the applicant is not a material consideration.

Biodiversity Net Gain

- 9.12. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it is a householder application.

10. EQUALITIES

- 10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together any representations made by third parties and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.



**Brighton & Hove
City Council**

PLANNING COMMITTEE LIST

COUNCILLOR REPRESENTATION

**Cllr. Bridget Fishleigh
BH2024/02132 – 14 Nicholson Place**

8th October 2024:

If officers recommend to grant this application then please can it come to the planning committee for a decision.

As you know, 14 Nicholson Place is part of a new development (so new that not all of the homes have been sold yet).

This development was carefully planned to complement and respect Rottingdean's current architecture. In my opinion, it's unreasonable for the first buyer of one of these homes to want to make a large change like this which would set a precedent and destroy the streamlined and consistent look and feel of the area.

The material planning considerations on which a refusal could be based are:

- Overlooking and loss of privacy for adjacent residents
- Effect on conservation area
- Visual appearance
- Impact on character or appearance of the area
- Contravenes Rottingdean's neighbourhood plan

PLANNING COMMITTEE

Agenda Item 55

Brighton & Hove City Council

NEW APPEALS RECEIVED 07/11/2024 - 04/12/2024

WARD

CENTRAL HOVE

APPEALAPPNUMBER

BH2024/00455

ADDRESS

Flat 2 83 - 85 St Aubyns Hove BN3 2TL

DEVELOPMENT DESCRIPTION

Erection of part one, part two storey rear extension with rooflights; insertion of 3no sash windows to the south elevation; landscaping works, provision of wall and fencing to the eastern boundary, and associated works.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

11/11/2024

APPLICATION DECISION LEVEL

Delegated

WARD

HOLLINGDEAN & FIVEWAYS

APPEALAPPNUMBER

BH2023/03236

ADDRESS

Emblem House Home Farm Business Centre
Home Farm Road Brighton BN1 9HU

DEVELOPMENT DESCRIPTION

Application for the permanent retention of the previously approved temporary extension.

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

04/12/2024

APPLICATION DECISION LEVEL

Planning (Applications) Committee

WARD

PATCHAM & HOLLINGBURY

APPEALAPPNUMBER

BH2023/02852

ADDRESS

94 Overhill Drive Brighton BN1 8WJ

DEVELOPMENT DESCRIPTION

Erection of 2no dwellinghouses (1 x 2 storey, 1 x single storey) and alterations to No.94 incorporating single-storey rear extension and rear dormer. New and altered vehicle crossover. Associated landscaping. (Part-retrospective)

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

03/12/2024

APPLICATION DECISION LEVEL

Delegated

WARD

PATCHAM & HOLLINGBURY

APPEALAPPNUMBER

BH2024/00831

ADDRESS

Petrol Filling Station Mill Road Brighton BN1 8ZF

DEVELOPMENT DESCRIPTION

Demolition of existing jet washes and the creation of EV charging zone, with erection of EV chargers, two jet wash bays, sub-station enclosure, refuse storage area and associated forecourt works.

APPEAL STATUS APPEAL IN PROGRESS
APPEAL RECEIVED DATE 25/11/2024
APPLICATION DECISION LEVEL Delegated

WARD

REGENCY

APPEALAPPNUMBER

ADDRESS

Flat 14 Thomas House Clifton Hill Brighton BN1 3EN

DEVELOPMENT DESCRIPTION

Appeal against EN cease the use as short term visitor accommodation

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

07/11/2024

APPLICATION DECISION LEVEL

Not Assigned

WARD

WESTDENE & HOVE PARK

APPEALAPPNUMBER

BH2024/01477

ADDRESS

21 Downside Hove BN3 6QJ

DEVELOPMENT DESCRIPTION

Replace existing front boundary wall. (Part retrospective).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

22/11/2024

APPLICATION DECISION LEVEL

Delegated

WARD

WEST HILL & NORTH LAINE

APPEALAPPNUMBER

BH2024/00736

ADDRESS

33 Buckingham Street Brighton BN1 3LT

DEVELOPMENT DESCRIPTION

Certificate of lawfulness for existing use as 7no self-contained flats (C3).

APPEAL STATUS

APPEAL IN PROGRESS

APPEAL RECEIVED DATE

02/12/2024

APPLICATION DECISION LEVEL

Delegated





**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES

This is a note of the current position regarding Planning Inquiries and Hearings

Planning Application No	<i>BH2021/04167</i>
Site Address	<i>Brighton Gasworks Land Bounded By Roedean Road (B2066) Marina Way And Boundary Road Brighton BN2 5TJ</i>
Description	<i>Comprehensive mixed-use redevelopment comprising site preparation and enabling works, demolition of existing buildings and structures; provision of new buildings comprising residential use (Use Class C3) and flexible non-residential floorspace (Use Class E), new private and communal amenity space, public realm, landscaping; car and cycle parking, highway works, access and servicing arrangements; associated plant, infrastructure and other associated works including interim works.</i>
Application Decision	<i>Appeal In Progress</i>
Type of Appeal	<i>Public Enquiry</i>
Date Appeal To Be Held:	<i>TBA</i>
Venue of Appeal	<i>TBA</i>
Planning Officer	<i>Chris Swain</i>

PLANNING COMMITTEE

Agenda Item 57

Brighton & Hove City Council

APPEAL DECISIONS FOR THE PERIOD BETWEEN 20/11/2024 AND 10/12/2024

<u>WARD</u>	COLDEAN & STANMER
<u>APPEAL APPLICATION NUMBER</u>	APL2024/00021
<u>ADDRESS</u>	14 Standean Close Brighton BN1 9EU
<u>DEVELOPMENT DESCRIPTION</u>	Prior Approval for the erection of an additional storey.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2023/02278
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	COLDEAN & STANMER
<u>APPEAL APPLICATION NUMBER</u>	APL2024/00050
<u>ADDRESS</u>	14 Standean Close Brighton BN1 9EU
<u>DEVELOPMENT DESCRIPTION</u>	Prior Approval for the erection of an additional storey.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2024/00299
<u>APPLICATION DECISION LEVEL</u>	Delegated
<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2024/00025
<u>ADDRESS</u>	St Agnes Church Newtown Road Hove BN3 7BA
<u>DEVELOPMENT DESCRIPTION</u>	Retrospective application for the installation of high-level ventilation grilles to gable ends, handrail to parapet wall of roof and external up/ down lighting to south elevation at second floor.
<u>APPEAL TYPE</u>	Against Refusal
<u>APPEAL DECISION</u>	APPEAL DISMISSED
<u>PLANNING APPLICATION NUMBER</u>	BH2022/02810
<u>APPLICATION DECISION LEVEL</u>	Planning (Applications) Committee
<u>WARD</u>	GOLDSMID
<u>APPEAL APPLICATION NUMBER</u>	APL2024/00026

ADDRESS St Agnes Church Newtown Road Hove
BN3 7BA

DEVELOPMENT DESCRIPTION Installation of translucent glazed privacy
screens to south elevation at second floor.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2022/02809

APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **PATCHAM & HOLLINGBURY**

APPEAL APPLICATION NUMBER APL2024/00072

ADDRESS 47 Ladies Mile Road Brighton BN1 8TA

DEVELOPMENT DESCRIPTION Installation of a single-storey powder coated
aluminium framed structure with glazing to
existing outdoor seating area (retrospective).

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2024/01208

APPLICATION DECISION LEVEL Delegated

WARD **PRESTON PARK**

APPEAL APPLICATION NUMBER APL2024/00066

ADDRESS West House 34B Preston Park Avenue Brighton
BN1 6HG

DEVELOPMENT DESCRIPTION Erection of first floor extension stepped back
from building boundary and the installation of PV
solar panels to roof.

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL ALLOWED

PLANNING APPLICATION NUMBER BH2024/00077

APPLICATION DECISION LEVEL Planning (Applications) Committee

WARD **REGENCY**

APPEAL APPLICATION NUMBER APL2023/00055

ADDRESS 86 - 87 Preston Street Brighton BN1 2HG

DEVELOPMENT DESCRIPTION Alterations to shopfront and external front
seating area including installation of external tile
cladding, handrails with glass balustrade, ramp
& steps (retrospective).

APPEAL TYPE Against Refusal

APPEAL DECISION APPEAL DISMISSED

PLANNING APPLICATION NUMBER BH2021/02433

APPLICATION DECISION LEVEL Delegated

WARD

REGENCY

APPEAL APPLICATION NUMBER

APL2024/00079

ADDRESS

51 - 53 West Street Brighton BN1 2RA

DEVELOPMENT DESCRIPTION

Display of 1no internally illuminated wall mounted billboard sign to front elevation.

APPEAL TYPE

Against Refusal

APPEAL DECISION

APPEAL DISMISSED

PLANNING APPLICATION NUMBER

BH2024/01713

APPLICATION DECISION LEVEL

Delegated
