

<u>No:</u>	BH2024/02569	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 The Beeches Brighton BN1 5LS		
<u>Proposal:</u>	Partial demolition and alterations to existing house to facilitate the erection of a new 2no. storey detached dwellinghouse (C3) to rear. Erection of new double garage with cycle storage and creation of a swimming pool. Associated landscaping, boundary treatments, parking, refuse and recycling storage. New access and widened vehicle crossover. (amended plans received)		
<u>Officer:</u>	Michael Tucker, tel: 292359	<u>Valid Date:</u>	06.11.2024
<u>Con Area:</u>		<u>Expiry Date:</u>	01.01.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	14.03.2025
<u>Agent:</u>	MGI Architecture Limited 20A Newham Lane Steyning BN44 3LR		
<u>Applicant:</u>	Mr Santino Sarri 1 Hurst Road Hassocks BN6 9NJ		

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	P1.03	P4	07-Feb-25
Proposed Drawing	P2.01	P3	28-Jan-25
Proposed Drawing	P2.02	P3	28-Jan-25
Proposed Drawing	P3.02		17-Oct-24
Location Plan	P1.01		17-Oct-24
Block Plan	P1.02	P4	07-Feb-25
Report/Statement	Preliminary Ecological Appraisal		17-Oct-24

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. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted

shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) Details of all cladding to be used, including details of their treatment to protect against weathering
- c) Details of all hard surfacing materials
- d) Details of the proposed window, door and balcony treatments
- e) Details of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. The development hereby permitted shall be carried out in accordance with the ecological measures and/or works detailed in the submitted Ecological Impact Assessment (David Archer Associates, October 2024).

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, Policy CP10 of Brighton & Hove City Council's City Plan Part One and Policy DM37 of the City Plan Part Two.

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, in accordance with BS 5837:2012, including a tree protection plan(s) (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/CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

6. 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 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.

7. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls of the development 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.

8. 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 to comply with policy DM44 of the Brighton & Hove City Plan Part Two.
9. The residential unit hereby approved shall be occupied until the residential unit built has 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.
10. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.
11. The development hereby permitted shall not be occupied until secure covered cycle parking facilities have been installed to the side or rear of the building or within the garage 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.
12. The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved and shall be maintained so as to ensure their availability for such use at all times.
Reason: To ensure that adequate parking provision is retained and to comply with policy CP9 of the Brighton & Hove City Plan Part One, policy DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
13. The development hereby permitted shall not be occupied until the new crossover and access has been constructed.
Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, and CP9 of the Brighton & Hove City Plan Part One.

14. Access to the flat roofs 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 DM18, DM20 and DM21 of Brighton & Hove City Plan Part 2.
15. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.
Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
16. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B, C, D and 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 DM18, DM20, and DM21 of the Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.
17. Noise associated with plant and machinery incorporated within the development 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.
18. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first

occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 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.

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 single-storey residential dwelling on the western side of The Beeches, at a bend in the road. The site also includes an undeveloped rectangular parcel of land to the rear (west), which has previously been part of no. 22 Dyke Road Avenue.

- 2.2. Planning permission (BH2022/02965) has previously been granted for the development of this parcel of land for the erection of a two-storey four-bedroom detached dwellinghouse (C3), accessed from Dyke Road Avenue.
- 2.3. The area is residential suburban in character, primarily comprising detached dwellings set in spacious, landscaped plots. Dwellings are predominantly bungalows (some with converted lofts) onto The Beeches and full two-storey dwellings onto Dyke Road Avenue.

3. RELEVANT HISTORY

- 3.1. **BH2022/02965** (address 22 Dyke Road Avenue) - Partial demolition and alterations to existing house to facilitate the erection of two-storey four bedroom detached dwellinghouse (C3) to rear with cycle store, landscaping, parking and vehicle crossover. Approved 23/01/2023
- 3.2. **BH2024/01352** - Roof alterations to include rear dormer and front rooflights, reduction in house width and revised fenestration. Approved 24/07/2024

4. APPLICATION DESCRIPTION

- 4.1. The application seeks planning permission for the erection of a two-storey detached dwellinghouse (planning use class C3) on the rectangular parcel of land to the rear (west) of 9 The Beeches. The proposed dwelling would be accessed from The Beeches, with a vehicular access created through the partial demolition of no. 9 The Beeches, works which also form part of the scheme.
- 4.2. The new dwelling would have a single-storey garage connected via a curtain wall, and a swimming pool. The proposals include associated landscaping works, and alterations to the vehicle crossover onto The Beeches to serve the access to the new dwelling.
- 4.3. The plans were amended in January 2025 including to reposition and significantly reduce the size of parts of the proposed new dwelling, and to omit the proposed first floor terrace. Further amendments were received in February 2025 to reposition (rather than extend) the crossover onto The Beeches.

5. REPRESENTATIONS

- 5.1. The application was originally advertised in November 2024. Following the receipt of amended plans in January 2025, the application was readvertised.
- 5.2. **Nine (9)** letters of objection have been received, summarised as follows:
 - Overdevelopment, loss of green space
 - Design and scale out of keeping with surrounding properties
 - Increased traffic, potential highways safety concerns

- Harm to neighbouring amenity through loss of privacy, increased noise

5.3. It is noted that at the time of writing the re-consultation of the application is ongoing. A verbal update will be provided if necessary at the Planning Committee meeting if any additional representations have been received.

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

6. CONSULTATIONS

6.1. **Sustainable Transport:** Seek amendments

The proposed on-site car parking exceeds SPD14 maximum standards and should be reduced. The proposed enlarged crossover onto The Beeches exceeds the maximum width allowance of 5.5m and should be narrowed.

6.2. The distance from the highway to the new dwelling exceeds 45m and alternative fire emergency provisions will be required.

6.3. **Southern Water:** No objection

Standing advice relating to the need for an application for a connection to the public sewer by the developer, and for the disposal of surface water hierarchy.

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 Joint Area Action Plan (adopted October 2019).

8. 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
CP14	Housing density

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
DM40	Protection of the Environment and Health - Pollution and Nuisance
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, the design and appearance of the proposed works both to the existing building and the proposed new dwelling to the rear, and the impact upon neighbouring amenity. The standard of accommodation to be provided and sustainable transport matters are also material considerations.

Principle of 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. Changes to national planning policy in December 2024 mean that the local housing need figure for Brighton & Hove using the standard method is now 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.

9.3. The council's most recent housing land supply position, measured against the total supply identified in the 2023 SHLAA Update of 3,879, shows a five-year housing supply shortfall of 11,109. This is equivalent to 1.3 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 development would result in the creation of an additional dwelling at a time when the LPA does not have a five-year supply of housing and this is given increased weight as per the NPPF above.
- 9.6. No objection is raised to the proposals in principle. There is an extant planning permission (BH2022/02965) for the development of the site to create one additional dwelling and this must be given significant weight. The site is located in an established suburban residential area and it is considered that the existing plot is large enough (c. 0.19ha) to accommodate an additional dwelling without compromising the spacious, detached character of the existing site and neighbourhood. The resultant density across the site (including the existing dwelling) would be 10.5dph which would be in alignment with the density of the wider ward as per the Urban Characterisation Study and is considered acceptable.

Design and Appearance:

Works to existing (front) dwelling:

- 9.7. The proposed works to the existing dwelling comprise its partial demolition by way of the removal of some 2m of width on the northwestern flank, to accommodate the vehicular accessway to the proposed dwelling.
- 9.8. It should be noted that a reduction in the width of the bungalow has already been granted planning permission as part of BH2024/01352, however this previous application also included further alterations such as a rear dormer.
- 9.9. The current bungalow has an elongated form and it is considered that this part of the scheme would improve the proportions of the building, and no conflict with policies DM21 or DM26 of the City Plan Part Two is identified.

Proposed rear dwelling:

- 9.10. The proposed rear dwelling would be situated within the wider rearmost part of the site, neighbouring nos. 5, 7, 11 and 15 The Beeches and nos. 22 and 24 Dyke Road Avenue. Similar to the extant permission, the proposed rear dwelling would be of a contemporary form and finish, consisting of areas of both mono-pitched and flat roof and with external facing materials including brick, render and metal and composite cladding.
- 9.11. The design of the proposed dwelling has been subject to significant amendment since this application was submitted. The building has been shifted further forwards to a more central position in the plot to increase the gap to nos. 11 and 15 The Beeches. The footprint of the single-storey side/rear element has been significantly reduced, and the height of the parapet wall has been lowered. The first-floor terrace on the rear elevation has been omitted.

- 9.12. As amended, it is considered that the proposed dwelling is acceptable in design terms. The general character of the area is that of detached dwellings set in spacious plots. Most dwellings on The Beeches are bungalows, whereas those on Dyke Road Avenue are generally two-storeys. There are a variety of material finishes present in the area, with several properties, including nos. 9 and 15 The Beeches, having had the original brick and tile finish replaced with render.
- 9.13. The scale, form and finish of the proposed building would not be out of keeping in these respects, particularly as it would be located away from the public realm and a greater degree of flexibility can therefore be had in terms of scale, form and finish without resulting in incongruity to the streetscene.
- 9.14. Weight must also be given to the extant permission for a new dwelling on the plot, which would be of a similar scale and contemporary form to the current proposal.
- 9.15. The proposed design itself is considered to be acceptable, with the proposed volumes and elevational compositions providing interest whilst retaining consistency in the external finish and the pattern and proportions of the fenestration.
- 9.16. Full details of the proposed material finish can be secured by condition and to comply with policy DM18 of the City Plan Part Two.
- 9.17. Accordingly, the proposals are considered acceptable in design terms and to comply with policy CP12 of the City Plan Part One and policies DM18 and DM21 of the City Plan Part Two.
- Impact on Amenity:**
- 9.18. Policy DM20 of the 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.
- 9.19. The proposed works to the existing dwelling are unlikely to result in any significant impact upon the neighbouring no. 15 The Beeches, given that the building would be reduced in width and therefore would terminate further from the boundary. No additional windows are proposed to the northwest side elevation. As noted previously, these works have already been granted permission as part of BH2024/01352.
- 9.20. The access road for the rear dwelling would run alongside the boundary with nos. 9 and 11 The Beeches, and vehicle and other movements along this access road would likely be audible from these neighbouring dwellings. Whilst there is likely to be some impact, as the access road would serve only a single dwelling it is considered that this is unlikely to be to a significantly harmful degree.
- 9.21. The plot for the proposed rear dwelling would neighbour nos. 22 and 24 Dyke Road Avenue and nos. 5, 7, 9, 11 and 15 The Beeches.

- 9.22. Nos. 22 and 24 Dyke Road Avenue would be separated from the proposed dwelling by long rear gardens, whereas nos. 5-15 The Beeches have much shorter rear/side gardens resulting in a far closer relationship with the proposed rear dwelling.
- 9.23. Nonetheless, the proposed rear dwelling would be located on the central south-western side of the plot, with a balanced separation distance from 9 and 11 The Beeches. The amendments have repositioned the dwelling more centrally within the plot and this has retained a more balanced distance to both nos. 7 and 15 The Beeches.
- 9.24. The amendments have also substantially reduced the width and depth of the single-storey element on the northern side to reduce the impact on no. 11.
- 9.25. At the closest respective points, the amended scheme would be set approximately 20m from the dwelling at no. 5 The Beeches, 19m from no. 7, 18.5m from no. 9, 7.5m from no. 11 (13m from the proposed two-storey element) and 11m from no. 15 The Beeches.
- 9.26. This is broadly comparable to the separation distances of the extant permission, and this extant permission must be given significant weight when considering the impact of the current proposals.
- 9.27. No significant impact on 22 and 24 Dyke Road in terms of overshadowing or sense of enclosure is anticipated due to the substantial distance between the proposed dwelling and the rear façade of the main dwellings. Fenestration on the southwest side elevation of the proposed dwelling would be limited and is not considered to give rise to significant overlooking concerns. There appears to recently have been a large outbuilding constructed in the rear garden of no. 24, however with no planning history available this is assumed to be incidental accommodation to the main dwelling constructed under permitted development rights and is therefore considered to be less sensitive to the proposed development.
- 9.28. The separation distance to nos. 5 and 7 The Beeches, together with the orientation of the new dwelling to the northwest, is considered to avoid significant harm in terms of overshadowing. The proposed garage would be closer than the main dwelling, but would be single-storey (3m height) and is considered unlikely to result in significant harm in terms of overshadowing and sense of enclosure. There may be some additional overlooking for no. 7 The Beeches as the front elevation windows of the proposed dwelling would look onto the rear elevation windows of this neighbour, which includes dormer windows at first floor level. However, the proposed window-to-window separation distance would be approximately 25m (to the first-floor windows at no. 7 The Beeches), and it is considered that this is an acceptable spacing to avoid a significant level of harm.
- 9.29. The proposed fenestration on the northeastern side is limited, comprising en-suite windows, and no significant impact on no. 9 The Beeches is anticipated in terms of overshadowing, sense of enclosure or overlooking.

- 9.30. The relationship between the proposed dwelling and no. 11 The Beeches is the least comfortable, given the reduced separation distance. However, the amendments to the scheme over the course of the application have significantly reduced the depth, width and effective height of the proposed single-storey element, and have also repositioned the entire new dwelling further away from the direct centre of the outlook from no. 11. On this basis it is considered that the relationship with no. 11 is close, but not so close as to be unacceptable in terms of overshadowing and sense of enclosure. The windows that would face towards no. 11 either serve the entranceway or the ensuite bathroom and are not considered likely to result in significant loss of privacy.
- 9.31. The rear of no. 15 The Beeches is effectively screened by its own rear extension along its side boundary, and the amended proposals have shifted the proposed building further away from this neighbour and omitted the first-floor terrace. Subject to a condition restricting the use of the remaining areas of flat roof, it is considered that there is unlikely to be a significant harmful impact on this neighbour in terms of overshadowing, sense of enclosure or loss of privacy.
- 9.32. The proposed single additional new dwelling is unlikely to result in noise or activity of an excessive degree or of an unsuitable character, given that this is already a suburban residential area. The proposed swimming pool may require associated plant and a condition is attached to ensure that existing background noise levels are not exceeded by this.
- 9.33. Overall, it is considered that the proposed new dwelling, as amended and subject to the recommended conditions, would not have an unacceptable impact on the amenity of neighbouring residents. Moreover, this would not be to a greater degree than the extant permission. Whilst the proposed new access road from The Beeches would potentially have some impact upon nos. 9 and 11, the level of harm arising from this is considered unlikely to be so significant as to warrant a reason for refusal.

Landscaping:

- 9.34. The proposed vehicle access route to the rear dwelling would run along the northwestern side boundary of the plot of no. 9 The Beeches. There is a row of six birch trees along the boundary that may need to be removed to facilitate the access, and although these are not protected, this loss is regrettable. As recommended in the submitted Preliminary Ecological Appraisal (PEA), a landscaping scheme is recommended to be secured by condition to ensure that suitable replacement planting is included on the site.
- 9.35. A condition is also recommended to secure details of protection measures for the trees to be retained.

Standard of Accommodation:

- 9.36. The proposed reduction in scale of the existing front dwelling would result in the loss of approximately 22sqm of GIA, with approximately 170sqm remaining. The number of bedrooms would remain at three. Some 400sqm of rear amenity space would be retained, with 54sqm to be lost through the creation of the

access route (not including the rear parcel of land itself which has historically not been part of the same plot).

- 9.37. The proposed rear dwelling would provide approximately 280sqm of GIA over two storeys, with four bedrooms of 25sqm, 15sqm, 12sqm and 11.5sqm. The proposed dwelling would comply with the Nationally Described Space Standard (NDSS) as required by policy DM1 of the City Plan Part Two. It is also considered that each habitable room would be of suitable proportions allowing space for furniture and circulation and would also benefit from fenestration providing access to natural light and outlook. Approximately 275sqm of rear amenity space would be provided.
- 9.38. Overall, the proposal is considered to provide an acceptable standard of accommodation, both for the reduced existing dwelling and the proposed new dwelling, in accordance with policies DM1 and DM20 of the City Plan Part Two.

Sustainable Transport:

- 9.39. The proposal is unlikely to result in a significant uplift in trip generation.
- 9.40. Pedestrian and vehicle access to the proposed dwelling would be via a shared driveway. This is not objectionable in this case as the driveway would serve only one dwelling.
- 9.41. No cycle parking is indicated on the plans, however there would be a secure, covered, convenient space within the proposed garage and this is considered acceptable.
- 9.42. As amended, the proposal would provide two on-site car parking spaces within the proposed garage. This would be in compliance with SPD14 maximum standards (including visitor parking provision) and is considered acceptable.
- 9.43. As set out previously, one of the main differences between the current scheme and the extant permission is that, previously, the dwelling was to be accessed from Dyke Road Avenue whereas currently the dwelling is to be accessed from The Beeches.
- 9.44. The Local highways Authority has reviewed the proposals and raised no concerns with the principle of this revised point of access. The proposed crossover arrangement onto The Beeches has however been amended in response to comments from the Local Highways Authority and would now remain within the maximum width allowance of 5.5m.
- 9.45. A bin collection point near to the highway is shown on the plans.

Sustainability:

- 9.46. Water and energy efficiency standards in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two can be secured by condition.

Other Considerations:

- 9.47. Conditions requiring bee and swift bricks have been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
- 9.48. The submitted PEA recommends a precautionary approach to site clearance, to be carried out during the appropriate seasons, and a condition is attached to secure the implementation of these measures.
- 9.49. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because It is a self-build/custom build application.
- 9.50. A condition securing details of existing and proposed ground levels and spot heights is attached to ensure that the building retains an acceptable scale relative to existing neighbours.
- 9.51. A condition is attached to remove 'permitted development rights' for the new dwelling as it is considered that future extensions, alterations and outbuildings would require appropriate consideration of design and neighbouring amenity.

10. CONCLUSION

- 10.1. There is an extant permission for a new dwelling on this site and this must be given significant weight, as must the benefit of a new dwelling, given the city's housing need. The proposal is considered acceptable in principle and, subject to the recommended conditions, no concerns are held with regard to the design and appearance of the proposals, the standard of accommodation provided and ecological or the transport impacts of the development. Whilst some harm to the amenity of neighbouring dwellings has been identified, it is considered that this harm would not be so significant as to warrant refusal and would be outweighed by the benefits of the scheme in the provision of an additional dwelling. Approval is therefore recommended.

11. EQUALITIES

- 11.1. 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.
- 11.2. 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.

12. COMMUNITY INFRASTRUCTURE LEVY

- 12.1. 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 will be confirmed in the CIL liability notice which will be issued as soon as it practicable after the issuing of planning permission.

