

<b><u>No:</u></b>	<b>BH2024/02834</b>	<b><u>Ward:</u></b>	<b>Westbourne &amp; Poets' Corner Ward</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>9 Princes Square Hove BN3 4GE</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension with rooflights to replace existing rear extension and bay window, roof replacement and alterations to include hipped roof and rear dormer extensions, construction of basement, revised fenestration, alterations to boundary wall to include enlargement of vehicle access, landscaping alterations and any associated works.</b>		
<b><u>Officer:</u></b>	Steven Dover, tel: 01273 291380	<b><u>Valid Date:</u></b>	02.12.2024
<b><u>Con Area:</u></b>	Pembroke and Princes	<b><u>Expiry Date:</u></b>	27.01.2025
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	26.03.2025
<b><u>Agent:</u></b>	MortonScarr Level 5 Platf9rm 44 North Road Brighton BN1 1YR		
<b><u>Applicant:</u></b>	Steven & Stephanie Chard 9 Princes Square Hove BN3 4GE		

## 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	2333(10)000		18-Nov-24
Proposed Drawing	2333(11)000		18-Nov-24
Proposed Drawing	2333(21)000		18-Nov-24
Proposed Drawing	2333(21)001	A	12-Feb-25
Proposed Drawing	2333(21)002	A	12-Feb-25
Proposed Drawing	2333(21)003	A	12-Feb-25
Proposed Drawing	2333(21)100		18-Nov-24
Proposed Drawing	2333(31)000	A	12-Feb-25
Proposed Drawing	2333(31)001	A	12-Feb-25
Proposed Drawing	2333(31)002		18-Nov-24
Proposed Drawing	2333(41)000	A	12-Feb-25
Proposed Drawing	2333(50)000		18-Nov-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. The ground floor window, in the southern elevation of the development hereby permitted, shall be obscure glazed, and non-opening, 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. Prior to first use of the rear extension 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. details 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.

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.

6. 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) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples/details of the proposed window, door and balcony treatments
- c) samples/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/DM21/DM26 of Brighton & Hove City Plan Part 2 and CP12/CP15 of the Brighton & Hove City Plan Part One.

7. 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.
8. The development hereby permitted shall incorporate at least three (3) swift bricks/boxes within the external walls which 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. Other than demolition works and works to trees, the development hereby permitted shall not be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies DM42 and DM43 of City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One.
10. Prior to first use of the rear extension hereby permitted, the front gates shown on the approved plans shall have been painted black and thereafter be retained as such.  
**Reason:** In the interests of the character and appearance of the development and the visual amenities of the area and to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 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. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative

designs of suitable swift boxes should be provided in their place where appropriate.

3. 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.
4. The applicant is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of condition 3

### **Biodiversity Net Gain**

- 1.2. 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.
- 1.3. 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.
- 1.4. 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 eastern side of Princes Square. The property comprises 2 storeys with rooms in the roof, including a side dormer. It currently has a two storey flat roof extension over the front garage and a small ground floor rear extension. The roof design is hipped, excepting the flat roof extension over the garage.
- 2.2. This single dwellinghouse is located in the Pembroke and Princes Conservation Area and is subject to an Article 4 Direction, which prevents a number of minor developments to dwellings, which previously had permitted development rights, such as roof alterations, variations to windows, and new outbuildings and porches.

## **3. STATEMENT OF SIGNIFICANCE**

- 3.1. The buildings in Princes Square are mainly inter-war. The red brick houses have steep, red tiled hipped roofs with bay window features. The contrast of hard red brick with the white painted rendered elements and white finished exterior timber and the 'overwhelming predominance' of plain red tiles are characteristic of the

area and contribute to the character and appearance of the conservation area. Nos 9 and 11 present to the street as a pair.

- 3.2. No.9 makes a positive contribution to the character and appearance of the Conservation Area, and the uniformity with No.11 is relevant to the contribution both buildings make. Properties on Princes Square have undergone various changes particularly at roof level with solar panels and rear additions commonplace. Nonetheless, in townscape terms the properties present to the street much as they would have when they were built as detached dwellings set back from the road. The level of detailing and overall form of the buildings is relatively intact.
- 3.3. The original leaded lights (or decent replacements), hanging tiles and brick detailing of No.9 mirror that of No. 11. This degree of intactness contributes to the character and appearance of the conservation area, representative of the rich the palette of materials common to Princes Square. There is an oriel window fronting what appears to be an addition above the garage (No 11 does not have such an addition and has also lost the pitch to the double height front bay).

#### **4. RELEVANT HISTORY**

- 4.1. **BH2006/03969:** Single storey rear extension rear extension and associated alterations to rear elevation. Approved 15/01/2007
- 4.2. **BH1999/01736/FP:** Alteration of existing flat roof to form pitched roof and new boundary garden wall. Approved 08/09/1999

#### **5. RELEVANT HISTORY AT OTHER SITES**

##### 10 Princes Square

- 5.1. **BH2024/00837:** Proposed Loft conversion with front rooflight, rear and side extensions. Approved 17/06/2024

##### 16 Princes Square

- 5.2. **BH2022/02493:** Demolition of rear and erection of part two-storey and part one-storey rear extension, roof alterations incorporating roof extension, solar panels, rooflights and re-installation of 2no chimneys. Reconfiguration of front elevation to include installation of gable frontages to existing bay windows, first floor balcony, demolition of front porch and erection of storm porch, replacement of front door with double door and replacement of garage door. Alterations to boundary wall and replacement of front gate, creation of rear terrace with swimming pool with revised fenestration, associated landscaping and alterations. Approved 21/10/2022

#### **6. APPLICATION DESCRIPTION**

- 6.1. Planning permission is sought for the erection of a single storey rear extension with rooflights, to replace the existing rear extension and bay window. The dwelling's roof would be altered to include a complete hipped roof to replace the flat roofed element, and install rear dormer extensions, with solar panels to some areas. Construction of a basement level is proposed, below the existing ground floor level. Revised fenestration to all openings with new window openings to the rear and southern side is proposed. Alterations to the front boundary wall are included to allow the enlargement of vehicle access and gates. Various landscaping alterations and associated works are proposed, with the provision of an air source heat pump to the side of the new rear extension.
- 6.2. The scheme has been revised since submission, due to Case Officer and Heritage Officer concerns, regarding the appearance of the proposed development to the rear, and its impacts on the host property and Conservation Area. The revised plans reinstate a first-floor rear bay window, and reduce the size of the proposed rear dormer, removing the Juliette balcony and altering the colour of the zinc cladding (red clay to grey).

## **7. REPRESENTATIONS**

### ORIGINAL SCHEME:

- 7.1. **Objections** from **fifteen (15)** individuals have been received raising the following issues:
- Impact of Additional Traffic
  - Adversely affects Conservation Area
  - Poor design
  - Adverse effect on wildlife
  - Loss of mature trees
  - Detrimental effect on property value
  - Inappropriate height
  - Noise
  - Construction noise and dust
  - Overdevelopment
  - Residential Amenity – overlooking, overshadowing
  - Restriction of view
  - Too close to the boundary
  - Basement will cause instability/steam venting
- 7.2. **Support** from **seven (7)** individuals have been received raising the following issues:
- In keeping with Conservation area
  - Respects and highlights the Heritage assets
  - Good design
  - Sensitive to neighbour's amenity/no adverse impacts
  - Basement good use of space
  - Similar designs approved and built with no objections from neighbours

### REVISED SCHEME:

- 7.3. **Objections** from **eight (8)** individuals have been received raising the following issues:
- Basement will cause instability/steam venting
  - Rear extension too big still
  - Dormer still too big, will increase overlooking
  - Harm to conservation area
  - Design still harmful
- 7.4. Full details of representations received can be found online on the planning register.

## 8. CONSULTATIONS

### Internal:

- 8.1. **Arboricultural Officer:**  
No objection (verbal comments)  
Trees to be removed (palms) not worthy of TPO, so with some form of mitigation landscaping with something bee friendly, e.g. Strawberry Tree (arbutus unedo), no objection.
- 8.2. **Heritage Officer:**  
No objection (revised scheme - retain rear first floor bay, revised reduced dormer) subject to materials condition.
- 8.3. The proposed rear dormer has been revised, reduced in height and width, to sit beneath the eaves and in the centre of the roof of a more traditional design in lead.
- 8.4. The loss of the original full height bay is regrettable, however on balance given the changes and the assessment justification set out in the Heritage Statement, the proposals are now considered to be acceptable subject to conditions, the character and appearance of the Conservation Area would be preserved.
- Objection (First response - original scheme)
- 8.5. No objection to replacement of roof and new pitch area, subject to matching tiles. Object to removal of rear double height bay window. Alternate designs with retention need exploring. Rear dormer size and material do not appear subordinate. Alternate design needed. No objection to other elements proposed.
- 8.6. **Sustainable Drainage Officer:**  
No objection subject to condition  
Not at significant risk of flooding and no flooding reported close to property.
- 8.7. No drainage information submitted, so a foul and surface water drainage strategy is required to be provided by condition, to ensure sustainable drainage options are implemented.
- 8.8. **Transport Officer:**  
No objection (verbal comments)

- External:
- 8.9. **Southern Water:**  
No objection  
Development would use existing connections and have similar flow rates. No objection to development.

## 9. MATERIAL CONSIDERATIONS

- 9.1. 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.
- 9.2. 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).

## 10. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP10	Biodiversity
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
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation

#### Supplementary Planning Document:

SPD09	Architectural Features
SPD11	Nature Conservation & Development



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

#### Other Documents

Pembroke and Princes Conservation Area Character Statement

## **11. CONSIDERATIONS & ASSESSMENT**

11.1. The main considerations in the determination of this application relate to the design and appearance of the proposed extension and alterations and whether they would have a detrimental impact on the host property, street scene or wider Conservation Area, and the impact on neighbouring amenity.

11.2. 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, Appearance and Heritage impacts**

11.3. As already noted, the site lies within the Pembroke and Princes Conservation Area.

11.4. 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".

11.5. Turning to the main elements of the development in turn:

#### Roof alterations

11.6. The development would remove the partial flat roof area of the current roof and replace with a hipped design, which matches the original roof design that the dwelling exhibits, with roof tiles to match the existing. This is considered to bring an improvement to the overall appearance of the dwelling in the street scene, with removal of the existing flat roof over the front extension, and the existing side dormer, both of which are considered incongruous in appearance, causing harm to the host property and surrounding Conservation Area.

11.7. The proposed rear dormer has been reduced in size from the original plans and now has a design which is well located, which follows the general guidance of SPD12 and is considered subordinate to the roof in which it would sit and no longer dominates. The previously-proposed Juliette balcony has now been removed, and a grey zinc finish is proposed which reflects lead clad designs for dormers and is considered to be of a more appropriate appearance in a Conservation Area. The effects on the host property and Conservation Area are considered acceptable, due to the more appropriate sizing and materials, and

that the dormer is located to the rear, and therefore the impacts and visibility in the public realm are considerably reduced.

Rear extension

- 11.8. The proposed single storey ground floor rear extension would be the full width of the property and extend for between circa 3m and 8m from the rear elevation wall due to a stepped design which creates an L-shaped extension. The works would involve demolishing the existing rear extension and existing two storey bay window. The bay window would then be reinstated in the same form at first floor level, over the new ground floor extension. The extension would be L-shaped with the shorter side to the south, built on the shared boundary with No.7 Princes Square. The longer side would be to the north, set back from the shared boundary with No.11 Princes Square by approximately 1m, to allow the side access to continue for No.9 to the rear. The gap in the "L" would have a terrace area and a retractable roof over.
- 11.9. The materials proposed are a mixture of white aluminium, white brick and pale stone. A condition would be imposed if the application is approved, to ensure the final appearance of these and other materials proposed below is considered in detail to ensure they are of a sufficient quality and final complimentary appearance for the host property and wider Conservation Area.
- 11.10. The design is considered suitable and of a high quality, which would not harm the appearance of the host property, with the reinstated bay window at first floor meaning legibility of the original building is retained. The effects on the Conservation Area are considered acceptable, due to the single storey design of the extension and finish materials (subject to condition), and being located to the rear, therefore the impacts and visibility in the public realm are considerably reduced.

Fenestration, Garage and Porch

- 11.11. The scheme would result in the loss of windows that are similar to those in the adjacent property, no 13, but it is noted that they are already not an identical matching pair. The design of the replacement windows is considered acceptable in principle, with timber material and suitable frames, and the removal of the oriel window frame on the front elevation at first floor, which was not original, and replacement with a casement design causing no harm. The exact details would be secured by a materials condition to ensure that they complement the host property. The revised porch fenestration, and door are acceptable in appearance and would replace a UPVC design. The revised garage door would remain a timber design, but now a sectional upward opening door, rather than barn door style. This would cause no harm to the appearance of the host property.

Landscaping and Front Boundary

- 11.12. The proposed extension would involve the removal of the existing shrubs and trees to the rear elevation. Arboricultural Officers have confirmed the trees to be removed (palms) are not worthy of a Tree Preservation Order, and subject to suitable mitigation planting, their loss is acceptable. Full details of all the soft and hard landscaping have not been supplied, so this mitigation planting would form part of a landscaping condition.

- 11.13. The revised walls and gates to the front elevation are considered acceptable and would bring no harm to the host property or Conservation Area, as they match the existing walls, with an appropriate black gate design.

#### Solar Panels

- 11.14. The proposed solar panels are located on the southern side of the enlarged roof and on the roof of the proposed dormer. Ideally no panels would be visible in the public realm, but the southern roof panels are located in this position to maximise effectiveness of the array in relation to the sun. On this basis the panels are considered sited, as far as practicable, to minimise effects on the appearance of the host property or amenity of the area including the wider Conservation Area so would likely be allowed under permitted development rights.
- 11.15. Heritage Officers have fully assessed the amended plans, and they are satisfied that no harm is caused to the existing heritage assets from the proposed scheme. Taking this into account it is considered that the design and scale of the proposed development overall would not adversely harm the historic appearance or character of the host property, Princes Square street scene or the wider Conservation Area, and would bring some improvement to the front elevation, in accordance with policies DM18, DM21 and DM26 of the Brighton and Hove City Plan Part Two and policy CP12 and CP15 of the Brighton and Hove City Plan Part One.

#### **Impact on Neighbouring Amenity**

- 11.16. 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.
- 11.17. The impact on the adjacent properties have been fully considered in terms of overshadowing, daylight, sunlight, outlook and privacy, and subject to compliance with recommended conditions, no significant harm as a result of the proposed development has been identified.
- 11.18. The overall increase in the roof volume would cause no harm to neighbouring amenity, through overshadowing beyond the existing situation. The alterations would add some additional overall bulk to the host building, particularly at ground floor, however the increase would not appreciably impact upon neighbouring properties over and above the existing situation, as the proposed ground floor extension is only single storey and set back from the boundary to the north (No.11 Princes Square), while more limited in depth and adjoining a driveway to the south (No.7 Princes Square).
- 11.19. The alterations and revised fenestration to the rear elevations are not considered to create any harmful overlooking as a result of the proposal and due to the single storey nature, it is furthermore not considered to give rise to any appreciable impacts with regards to being overbearing or causing loss of outlook. The new dormer would increase the number of elevated windows but considering the amount of first floor windows in the existing property and the

existing views achievable from these windows, and those of surrounding properties, a high degree of mutual overlooking already exists, and as such the proposed dormer is not considered to increase this by an unacceptable degree. A new side window is proposed in the side southern elevation at ground floor, which would face onto the driveway of No.7 Princes Square. This is detailed on the plans to be obscured, to prevent direct overlooking into the grounds of No.7, and a condition would be attached to secure this was obscured and non-opening and remains this way. On this basis the design is acceptable.

- 11.20. The proposed rooflights would afford only mainly skyward views and acceptable on this basis.
- 11.21. An air source heat pump (ASHP) is to be installed to the side of the proposed extension, behind sliding panels, to screen the appearance and further mitigate any noise produced. Due to the location set back from the shared boundary, and screened, it is considered the amenity (noise) impacts on neighbouring properties are acceptable.
- 11.22. Subject to the recommended conditions 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**

- 11.23. As a result of the works, the number of bedrooms would remain at six, but with alterations in layout and increase habitable accommodation for the existing dwelling. The bedrooms, as altered, would meet the minimum floorspace standards and minimum widths required by policy DM1. All of 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.

#### **Sustainable Transport**

- 11.24. It is not considered that there would be a material increase in movements associated with the development. Highway access and parking impacts would remain as existing, and Transport Officers have commented the application is acceptable.

#### **Biodiversity**

- 11.25. 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 such as bumblebees. A suitably worded condition will be attached to secure an appropriate number of bee bricks and swift bricks within the proposal in order to help meet the requirements of policies CP10 of the CPP1 and DM37 of the CPP2 as well as Supplementary Planning Document 11: Nature Conservation. In addition, the proposed landscaping plan condition would include mitigation planting for the trees removed as part of the development.

- 11.26. 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.

**Other matters**

- 11.27. A new basement is proposed, which is acceptable in design and from the annotations on the plan, would contain a gym/playroom and steam room.
- 11.28. Sustainable Drainage Officers have raised no objection in respect of increasing floor risk. Construction of and structural integrity impacts of the proposed basement are not matters that are material to the determination of this application. These would be controlled and dictated by building regulations, and party wall surveyors under The Party Wall Act 1996 primarily.
- 11.29. Representations have raised concerns about the disturbance (noise and dust predominantly) from the demolition and construction works, if the scheme is approved. The scheme is small scale and the site relatively unconstrained in access; therefore, it is not considered appropriate or proportionate to impose a Demolition/Construction Environmental Management Plan (D/CEMP) condition, which is a view shared by Transport Officers who have not raised the need. Any construction works would be subject to the normal environmental controls overseen and enforced by Environmental Health and Planning Enforcement Officers.
- 11.30. Other matters such as loss of property value, structural safety, and the impact of construction works are not material planning considerations.

**Conclusion**

- 11.31. The proposed works are considered to improve the appearance of the host building in the streetscene, consolidating previous front extensions into a form which is more in keeping with the host property and Princes Square streetscene, including the heritage features of the conservation area. The rear works are acceptable in form and appearance, minimising potential adverse effects through design. The impact on neighbours would be acceptable, subject to compliance with recommended conditions, with the resulting 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.

**12. EQUALITIES**

- 12.1. 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.

- 12.2. 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.

**13. COMMUNITY INFRASTRUCTURE LEVY**

- 13.1. 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.