

<b><u>No:</u></b>	<b>BH2025/00936</b>	<b><u>Ward:</u></b>	<b>Westdene &amp; Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Reserved Matters</b>		
<b><u>Address:</u></b>	<b>295 Dyke Road Hove BN3 6PD</b>		
<b><u>Proposal:</u></b>	<b>Reserved Matters application pursuant to outline approval BH2021/04003 for the approval of (i) layout, (ii) scale, (iii) appearance, and (iv) landscaping (including trees) relating to the erection of 1no single dwelling, including enlargement of existing vehicular crossover and creation of access driveway to southern boundary.</b>		
<b><u>Officer:</u></b>	Jack Summers, tel: 296744	<b><u>Valid Date:</u></b>	03.04.2025
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	29.05.2025
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	10.09.2025
<b><u>Agent:</u></b>	Turner Associates 2D St Johns Road Hove BN3 2FB		
<b><u>Applicant:</u></b>	Mr Godarz Nekoei 295 Dyke Road Hove BN3 6PD		

## 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	TA1567/01	A	03-Apr-25
Proposed Drawing	TA1567/10	C	13-Jun-25
Proposed Drawing	TA1567/11	C	18-Jul-25
Proposed Drawing	TA1567/12	B	03-Apr-25
Proposed Drawing	TA1567/13	C	13-Jun-25
Proposed Drawing	TA1567/15	C	13-Jun-25
Proposed Drawing	TA1567/16	D	18-Jul-25
Proposed Drawing	TA1567/17	C	18-Jul-25
Proposed Drawing	TA1567/18	B	13-Jun-25
Proposed Drawing	TA1567/19	B	13-Jun-25
Proposed Drawing	TA1567/20	D	18-Jul-25

Arboricultural Report	Arboricultural Method Statement	-	03-Apr-25
-----------------------	---------------------------------	---	-----------

2. The following windows and/or rooflights hereby permitted shall be obscure glazed and non-opening, unless the parts which can be opened are more than 1.7 metres above the floor of the room in which the window/rooflight is installed, and thereafter permanently retained as such.

- The window serving 'Bed 1' on the east elevation.
- The window serving 'Bath' on the east elevation.
- The window serving 'En suite' on the east elevation.
- The three rooflights on the north roof slope serving 'Bed 1', it's ensuite, and 'Bed 3'.
- The rooflight serving 'Bed 2'.

**Reason:** To safeguard the privacy of the occupiers of the surrounding properties and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

3. Access to areas of flat roof hereby approved shall be for maintenance or emergency purposes only and no area of flat roof shall be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect surrounding properties from overlooking and noise disturbance and to comply with policy DM20 of the Brighton & Hove City Plan Part Two.

4. The development hereby permitted (including any demolition or excavation) 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 in writing 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 policies CP12 of the Brighton & Hove City Plan Part One, and DM18 and DM20 of Brighton & Hove City Plan Part Two.

5. No extension, enlargement, alteration of the new dwellinghouse or provision of hardstandings etc. incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B, C, E and F 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, the water environment, and to the character of the area and for this reason would wish to control any future development to comply with policies CP11 and CP12 of the

Brighton & Hove City Plan Part One, and DM18, DM20, DM21, DM42 and DM43 of the Brighton & Hove City Plan Part Two.

6. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural method statement (received on the 03/04/2025) are in place. The fences shall be erected in accordance with British Standard BS5837 (2012) Trees in relation to design, demolition and construction - Recommendations and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.  
**Reason:** As this matter is fundamental to protecting the trees which are to be retained on and around the site during construction works in the interest of the visual amenities of the area and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One, DM22 and DM37 of the Brighton & Hove City Plan Part Two; and SPD06: Trees and Development Sites.
7. The approved landscaping and boundary treatments shall be implemented in accordance with the approved details in the first planting season after completion or prior to first occupation of the development, whichever is the sooner.  
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; to safeguard the residential amenities of local residents; to ensure that the development is accessible for all persons; and to comply with policies CP10 and CP12 of the Brighton & Hove City Plan Part One; and DM18, DM20, DM22, DM37 and of the Brighton & Hove City Plan Part Two.
8. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.
9. Other than demolition works, the development hereby permitted shall not be commenced until the following information has been submitted:
  - a) A surface water drainage strategy
  - b) Foul water drainage plans
  - c) Evidence that any drainage infrastructure proposed for re-use has the available capacity and is in an acceptable condition
  - d) Evidence that the sewer has available capacity for the development

The development shall subsequently be implemented in accordance with the approved details.

**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 the Brighton & Hove City Plan Part Two.

10. No development, including demolition and excavation, shall commence until a Site Waste Management Plan, setting out how waste to landfill will be minimised, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.  
**Reason:** To maximise the sustainable management of waste and to minimise the need for landfill capacity and to comply with policies CP8 of the Brighton & Hove City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
11. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' (for new build residential development).  
**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.

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 is advised that the application of translucent film to clear glazed windows does not satisfy the requirements of Condition 2.
3. The applicant is advised to refer to the information in Supplementary Planning Document 11: Biodiversity and Nature Conservation on how best to achieve a biodiverse roof. Habitat design and species mix should be selected to support diverse habitats of local relevance, such as chalk grassland species, rather than sedum monocultures which have immediate aesthetic appeal but limited value to biodiversity. The use of native species of local provenance is encouraged. Thin substrate sedum systems do not maximize the biodiversity potential of green roofs and would not merit Good condition within the DEFRA Biodiversity Metric. Brown roofs, landscaped with exposed substrates and a varied topography, supporting nectar and pollen rich flowering plants, are also a good alternative and can provide new habitat for invertebrates and other wildlife species such as birds.
4. 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>

5. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.
6. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (tel 0330 303 0119), or [www.southernwater.co.uk](http://www.southernwater.co.uk).
7. The applicant is advised that following the simplified assessment method under Part O of the 2022 Building Regulations is unlikely to achieve the required standard unless it is a single dwelling. In addition, single façade flats, dwellings adjacent to noise and pollutants are unlikely to achieve the required standard of Part O.
8. The applicant is advised that assessment under the CIBSE TM59 Thermal Model option may be required to be submitted as part of a full Building Regulations application.

### **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 Environment Act 2021.

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.

## **2. SITE LOCATION**

- 2.1. The application site is a two-storey detached dwellinghouse, located on the west side of Dyke Road. The site has a relatively long back garden containing a swimming pool and paved area, enclosed by trees/foliage and fences.
- 2.2. Outline planning permission has been granted for a single dwellinghouse in the rear garden, with vehicle access running between nos.293 and 295.

- 2.3. A site visit was undertaken in February 2025 to the application site and both adjacent neighbours, nos.293 and 297 Dyke Road.

### 3. RELEVANT HISTORY

- 3.1. **BH2024/03098** Reserved Matters application pursuant to outline approval BH2021/04003 for the approval of (i) layout, (ii) scale, (iii) appearance, (iv) landscaping (including trees) relating to the erection of 1no single dwelling, including enlargement of existing vehicular crossover and creation of access driveway to southern boundary. Refused 6/6/25

1. The proposed dwellinghouse by reason of its scale, would represent an overdevelopment of the land, would be over-dominant within its setting and visually jarring. It would fail to appear as a subservient built form in relation to no.295 Dyke Road and would cause harm to the visual amenity of the built environment as viewed from surrounding properties. The proposal is therefore contrary to policies CP12 of the Brighton & Hove City Plan Part One and DM18 of the Brighton & Hove City Plan Part Two.
2. The proposed dwellinghouse by reason of its scale and its proximity with the neighbouring boundaries would appear as an over-dominant and overbearing form of development, affecting views both from the rear gardens and windows of properties nos.295 and 297 Dyke Road. It is also anticipated to cause loss of privacy for residents within the retained garden for no.295 Dyke Road. For these reasons the development is considered to cause harm to the amenities of local residents and would be contrary to policy DM20 of the Brighton & Hove City Plan Part Two.

- 3.2. **BH2021/04003** Outline Application with some matters reserved for the erection of 1no single dwelling on land to the rear of existing dwelling, including enlargement of existing vehicular crossover and creation of access driveway to southern boundary. Approved 7/4/22.

Condition 3:

- a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
  - (i) layout;
  - (ii) scale;
  - (iii) appearance;
  - (iv) landscaping (including trees)
- b) The reserved matters shall be carried out as approved.
- c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

### 4. RELEVANT HISTORY AT OTHER SITES

- 4.1. **BH2014/02755 - Land rear of no.285 Dyke Road** Erection of three bedroom detached bungalow with access from The Droveaway. Refused - Appeal Allowed

## **5. APPLICATION DESCRIPTION**

- 5.1. Permission is sought for the Reserved Matters associated with outline permission BH2021/04003. These matters include layout, scale, appearance and landscaping. Access arrangements were approved at outline stage.
- 5.2. The proposed development is for a two-storey, four-bedroom detached dwelling with attached garage, with a pitched, tiled roof-form and finished in brickwork. It is similar to previously refused application BH2024/03098 however it is now reduced in scale in order to address concerns with visual dominance and impacts on the amenity of residents of nos.295 and 297 Dyke Road.
- 5.3. The refused proposal, under application BH2024/03098, had an eaves height of 5.8m and a maximum height of 9.3m. The proposal under this application initially featured an eaves height of 5.2m and maximum height of 7.7m, but this has been amended during the course of the application and further reduced to an eaves height of 4.4m and maximum height of 7.3m.

## **6. REPRESENTATIONS**

- 6.1. **Nine (9)** representations have been received, objecting to the proposal on the following grounds:
- The principle of development
  - Too large
  - Too close to existing dwellings
  - Loss of privacy
  - Overbearing
  - Overshadowing
  - Overdevelopment
  - Loss of boundary planting
  - Detrimental impact on property value
  - Disturbance during construction works
  - Setting a bad precedent
  - Development should be similar to BH2014/02755 at 285 Dyke Road
  - Impact on the character of the area
  - The development does not help the housing shortage
- 6.2. Full details of representations received can be found online on the planning register.

## **7. CONSULTATIONS**

- 7.1. **Arboriculture Team** No objection to the selection of tree species chosen.

7.2. **Local Highway Authority Comment**

According to SPD14: Parking Standards, the maximum car parking provision for this development would be 2 spaces (1 space per dwelling and 1 space per 2 dwellings for visitors). The applicant proposes 1 garage and 1 carport within the new development, retaining the existing 2 car parking spaces for 295 Dyke Rd.

7.3. The City Plan Part One (Policy CP9) promotes sustainable transport and sets maximum car parking standards across the city. While the site is located within the Outer Area Parking Zone, it benefits from good accessibility to public transport—being a 5-minute walk from the nearest bus stop, with journey times to the city centre taking approximately 20 minutes.

7.4. Given this level of accessibility, the proposed car parking provision is considered excessive and contrary to Policy DM36 of the City Plan Part Two. A reduction in car parking provision to meet the maximum standard is recommended, and we would expect revised plans to reflect this.

7.5. SPD14 requires a minimum of 2 cycle parking spaces per dwelling. The applicant proposes a well-located and accessible bike shed for 2 bikes, which is acceptable.

7.6. The proposed development is likely to increase the number of trips to the area. Considering the size of the development the highways impact would not be expected to be significant and would not therefore be grounds for objection under the National Planning Policy Framework.

Sustainable Drainage Team

7.7. No objection in principle, but further information is required prior to commencement, including

- A surface water drainage strategy
- Foul water drainage plans
- Proof that any drainage infrastructure proposed for re-use has the available capacity and is in an acceptable condition
- Proof that the sewer has available capacity for the development

7.8. Full details of consultation responses received can be found online on the council's Panning Register, with the exception of the Arboricultural Team response, which was verbal advice.

**8. MATERIAL CONSIDERATIONS**

8.1. 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.

8.2. 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)

## 9. **RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Planning Practice Guidance (PPG)

#### Brighton & Hove City Plan Part One (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
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 (CPP2)

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
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

#### East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
RM0	Sustainable Use of Aggregates

#### Supplementary Planning Documents (SPD)

SPD03	Construction & Demolition Waste (2006)
SPD06	Trees & Development Sites (2006)

SPD11	Nature Conservation & Development (2022)
SPD14	Parking Standards (2016)
SPD16	Sustainable Drainage (2019)

## 10. CONSIDERATIONS & ASSESSMENT

- 10.1. The principle of development for the subdivision of the plot at 295 Dyke Road, and the provision of one new dwelling at the rear of the site, has been established via the approval of Outline application BH2024/03098. The main considerations in the determination of this application therefore relate to the scale, design and appearance of the proposed development; the standard of accommodation that would be offered to future residents; the landscaping associated with the scheme; and the potential impacts on the amenities of local residents, and on highway safety.

### Principle of development

- 10.2. The principle of a new dwellinghouse in this location, and access to the site, has outline permission (BH2021/04003) and is not for consideration as part of this application.

### Design and Appearance

#### **Form, Scale & Massing**

- 10.3. The dwelling appears as a 1.5 storey building that would be a sizable, yet acceptable addition within this back land setting. Compared with the previous refused design, there is an approximate 21% reduction in maximum height and a fully pitched roofscape (as opposed to including gable ends), which greatly reduces the scale and massing. The dwelling is also shown at a lower land level than that in either adjacent garden; the difference is 0.8m lower compared to the garden of no.293, and 1.5m compared to the garden of no.297.
- 10.4. It is considered the proposed dwelling (as now revised) would sit comfortably within its plot and would have sufficient space between its footprint and the edges of the curtilage. The hipped roof form also adds to the sense of spacing and prevents the building from appearing top-heavy.
- 10.5. Though larger than back-land development south of the site, it is considered that the proposal would still achieve a degree of subserviency to no.295 and the relationship between the two dwellings would, on balance, be acceptable. The submission of Above Ordnance Datum information is necessary prior to commencement (via condition) to ensure that land levels are correctly measured and the dwelling would be appropriately recessed as shown.

### **Materiality**

- 10.6. The proposed materials are broadly considered to be acceptable and show warm earthy tones that are suitable within the garden setting. The LPA's Urban Design Officer, during the previous application, suggested an alternative material for fenestration frames in the interest of sustainability. Final details on the external materials are secured by condition under the outline permission.

#### Impact on Amenities

##### **Overshadowing/Loss of Light**

- 10.7. The proposed development would cast some shadowing, primarily across the rear gardens of nos.295 and 297 from midday into the afternoon. The harm caused as a result of shadowing of parts of the above two gardens is however considered to be mitigated by the dwelling being stepped off both boundaries, being on a lower ground level, having a pitched roof design, and the fact that the shadowing would affect only part of each garden for part of each day. It is not considered that the shadowing would be harmful enough to warrant refusal of planning permission on this ground.
- 10.8. There may be some morning shadowing falling across the tennis courts to the west of the site, but the LPA does not have any significant concerns in this regard given the morning-only impact, the separation distance between the dwelling and the courts, and the less sensitive use of the land.
- 10.9. Given the siting of the proposal and distance between properties, there would be no significant loss of light to rear windows of the closest neighbours.

##### **Loss of Privacy**

- 10.10. The east-facing (front) first floor windows provide views over the gardens and the rears of nos.293, 295 and 297. With regards to no.293, the distance between the closest first floor windows is some 15m, and at an angle of some 40°. Due to the position of no.293, which has a rear building line set some 12m further back than nos.295 and 297, the windows of the proposed dwelling would provide only oblique views at the rear of the dwelling, and at an acceptable range, whilst views into the rear garden of no.293 would be even more angled. It is considered that the privacy of residents of no.293 would not be significantly impacted upon by the development. The single south-facing window to Bedroom 1 faces towards the curtilage of no.293 but is at a suitable enough distance (some 12.5m) that overlooking does not raise significant concerns. Impact on no.293 in this regard was also not reason for refusal of the previous application, which was for a larger-scale development.
- 10.11. With regards to no.295, the east-facing windows would face directly on the rear garden of this dwelling. The windows are between 20-25m from the rear façade of no.295, which is considered to be distant enough to prevent an unacceptable loss of privacy to rooms within this dwelling. However, the rear garden of no.295 is between 4-8m from these windows, and it is considered that there would be some perceived loss of privacy for residents of no.295 within their garden, somewhat reducing its desirability as a private amenity space. The number of proposed windows has been reduced from four (on the refused design BH2024/03098) to two, and the top cill height has been reduced from 5.3m to 4.7m, and the overall area of glazing reduced from 5m<sup>2</sup> to 1.6m<sup>2</sup>. It is considered that some harm from perceived loss of privacy would still occur; however, it has been greatly mitigated by the reduction in height and scale of the windows. Both windows are also conditioned to have obscure glazing and be fixed shut to an internal height of 1.7m, further reducing the impact to an acceptable extent.

- 10.12. With regards to no.297, the rear facade of this dwelling is further away from the proposed dwelling than no.295, and the impact on the privacy within the dwelling is considered to be acceptable, particularly given the obscure glazing of the closest windows. The shallowest angle at which views into the neighbouring garden would be possible (notwithstanding the only windows with views would be obscure glazed) would be 25°, rising up to 60° to cover the main areas of the garden. There is anticipated to be some perceived overlooking given the visibility of the development from the curtilage of no.297; however, this was not considered great enough to warrant objection under the larger proposal BH2024/03098, and the impact for this reduced scheme is considered to be acceptable.
- 10.13. The dwelling also includes four side-facing rooflights serving the three bedrooms and an ensuite. The potential harm to neighbouring privacy caused by these rooflights would be successfully mitigated by conditioning each to be fixed shut and obscure glazed to an internal height of 1.7m.
- 10.14. The rear-facing windows direct views out over the tennis courts west of the application site. It is not considered that this impact on the privacy of court-users would be significantly harmful and would not warrant the application being refused.
- 10.15. The areas of flat roof could potentially be used as amenity spaces, which could cause a significant loss of privacy for neighbouring residents. A condition restricting access to the flat roof for anything other than maintenance or in the event of an emergency is therefore recommended to mitigate this.

#### **Loss of Outlook**

- 10.16. The proposed dwelling would be visible from the windows of nos.293, 295 and 297, but would be at a sufficient distance that significant loss of outlook is not anticipated. Some loss of views from upper floor windows would occur, but specific views are not protected under planning so should not be reason to refuse planning permission.

#### **Overbearance**

- 10.17. The proposed dwelling would be separated from the boundary with the curtilage of no.297 by some 4m. The eaves height is approximately 0.8m taller than the proposed boundary treatment (a reduction of 2.0m from the refused design BH2024/03098). The pitched roof angles away from the shared boundary. It is considered that the visual impact from the garden of no.297 has now been mitigated to an acceptable degree, and therefore no objection is raised on these grounds. The reduced scale, and in particular height, of the dwelling, and fully hipped roofscape, also reduces the visual impact from the rear windows of no.297 and it would no longer appear as an overly dominant addition to the built environment.
- 10.18. As abovementioned, the dwelling would be sited (at its closest) approximately 4m from the edge of the boundary with no.295, with the bulk of the dwelling set

back to 8m and presenting at full height a length of some 13.5m. It is considered that following the reductions in scale, in particular height, that it would now have an acceptable impact on the amenity of residents of no.295 and would no longer appear as a dominant or visually intrusive addition to the building environment.

- 10.19. The dwelling would be approximately 2.3m from the boundary with the curtilage of no.293, but this would be a single storey (garage) section which would not be significantly taller than the fencing. The full-height section of the dwelling would be approximately 5.3m from the shared boundary. The development is generally set away from this boundary, and (as abovementioned) would be visible from windows only at an angle of some 40°. It is considered that it would be less dominant in views from the rear garden and windows, and any overbearing impact would be minimal and is not be considered significant enough to warrant the refusal of the application.

#### **Noise Nuisance**

- 10.20. The potential impact caused by the building work itself associated with one single dwelling is not considered to be so significant as to warrant consideration of a Construction Environmental Management Plan. Although some level of disruption is very likely, this would be in the short-term only and is not reason to refuse (or condition) the application. The council would retain the authority to investigate under the Environmental Protection Act 1990, should any complaints be received.
- 10.21. Whilst the proposal would result in an intensification of the use of the site, it is not considered that this would result in any significant harm in regard to noise and disturbance for neighbouring properties, given it is for one dwelling and it is for residential use.

#### Impact on the Public Highway

##### **Motor Vehicles**

- 10.22. The proposed dwelling would benefit from the access approved under BH2021/04003. The ground floor plan drawing shows this access leading to a garage, and separate covered parking area. It is considered that the provision of on-site parking would be acceptable for a single dwelling and the development is unlikely to generate overspill parking. Nevertheless, Dyke Road has double-yellow lines nearby to the site, and there are Controlled Parking Zones covering the nearby carriageways that will automatically manage any potential overspill parking, if any. There are no significant concerns in this regard.
- 10.23. The Local Highway Authority's concern regarding the number of parking spaces is noted; however, the provision is the same as that assessed under BH2024/03098, to which no objection was raised. It is not considered that it would be reasonable to raise an objection in this instance and the level of parking proposed is comparable with other dwellings in the locality.

##### **Cycles**

- 10.24. The ground floor plan drawing shows space for cycles within a covered store adjacent to the vehicle parking area. This exceeds the minimum requirements

for a dwelling of this size as required under SPD14: Parking Standards and is considered to be acceptable. Final details and installation is required by condition in the outline permission.

### **Pedestrians**

- 10.25. The development is not anticipated to result in a significant uptake in foot traffic to and from the site, that would be beyond the capacity of the existing highway infrastructure to accommodate; there are no concerns in this regard.

### **Public Transportation**

- 10.26. The development is not anticipated to result in a significant uptake in foot traffic to and from the site, that would be beyond the capacity of the existing highway infrastructure to accommodate; there are no concerns in this regard.

### Standard of Accommodation

#### **Area and Layout**

- 10.27. The 'Nationally Described Space Standard' (NDSS) was introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. This standard has been formally adopted into policy DM1 of the CPP2 and can now be given full weight.
- 10.28. The new dwelling is laid out as a four bedroom, seven-person dwelling over two floors and would provide a gross internal area (GIA) of approximately 225m<sup>2</sup>; this is in accordance with the NDSS.

### **Private Amenity Space**

- 10.29. Residents of the new dwelling would benefit from a garden with an area of some 230m<sup>2</sup>. It would be sizable and laid out in a usable configuration and would be of appropriate scale to serve to scale of dwelling proposed; there are no concerns in this regard.

### **Privacy**

- 10.30. In terms of the garden space, this would be shielded from views from most neighbouring dwellings by the new dwelling itself, there are no significant concerns in this regard.
- 10.31. The shortest distance between the windows of the proposed dwelling and the closest existing dwelling (No.295) is approximately 20m. It is considered that such a distance is acceptable to maintain privacy, notwithstanding the fact the two closest bedroom windows of the proposed dwelling are annotated as being fitted with obscure glazing. Views into ground floor windows are likely to be prevented by the boundary fencing.

### **Outlook and Natural Light**

- 10.32. The dwelling is detached and has decent separation distance from all its site boundaries and plenty of windows. Each room would benefit from natural light and have acceptable outlook; there are no concerns in this regard.

### **Accessibility**

- 10.33. The new dwellinghouse will be required by condition within the outline permission to be built in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings); this will ensure that the dwelling is equally accessible for all.

### **Biodiversity and Landscaping**

#### **Biodiversity Net Gain (BNG)**

- 10.34. Based on the information available, this application is not considered to be one which would require the approval of a biodiversity gain plan before development is begun due to the fact that the application for outline planning permission was made before 12th February 2024 (prior to statutory BNG requirements).

#### **Biodiverse Roof/Wall**

- 10.35. The inclusion of two areas of green roof would be beneficial for biodiversity and visual appearance and is welcomed in principle. Further details on the makeup of these features will be sought by condition in the interest of ensuring that biodiversity improvements are maximised.

#### **Bee & Swift Bricks**

- 10.36. 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 and swifts. The installation of bee and swift bricks within the development is secured by condition within the outline permission.

#### **Arboriculture**

- 10.37. The development requires the removal of several trees within the site, including a 9m tall Weeping Ash. The concerns raised by the Council's Arboriculture Officer during the previous application are noted, however, no trees are formally protected via a Tree Preservation Order and the retention of the ash tree, which is quite central within the site, would prove a significant constraint to development – and its removal ensures the most effective use of the site is made. In addition, significant compensatory planting would be secured as part of the landscaping scheme.
- 10.38. Concerns have been raised that the development could result in the loss of third-party trees within the garden of no.297. These concerns are not evidenced and are not shared, as the footings of the dwelling itself are stepped away from the boundary by approximately 4m, and the tree protection plan (by David Archer Associates) includes a construction exclusion zone designed to protect the trees on the developer's side of the boundary, thus it should also safeguard the health of neighbouring trees that are further away. Finally, none of the trees within the curtilage of no.297 are subject to Tree Preservation Orders.

#### **Landscaping**

- 10.39. The proposed landscaping scheme is comprehensive and is considered to be acceptable. It would mitigate the loss of existing habitat and trees whilst providing a usable amenity space for residents of the new dwelling.

#### Sustainability

##### **Energy & Water Efficiency**

- 10.40. Policy DM44 requires new build residential buildings to achieve, as a minimum, an Energy Performance Certificate (EPC) rating 'B', and this is conditioned. New dwellings are also required to achieve a water efficiency standard of a minimum of not more than 110 litres per person per day – this was conditioned at outline stage.

#### Drainage

- 10.41. There is insufficient information to confirm that the development would be acceptable in terms of the impact it may have on the natural water environment; however, this information can be secured by condition and would not warrant refusal of the application.

#### Waste & Recycling

- 10.42. The proposed development shows an indicative location for refuse and recycling bins at the front of the site; this is considered to be acceptable in principle. Providing these facilities will ease the sorting of waste generated by the dwelling's operation into recyclables and non, reducing the amount of waste that would be sent into landfill in accordance with the waste hierarchy contained within the National Planning Policy for Waste. Final details, and installation of these facilities prior to occupation of the dwelling is secured by condition in the outline permission.
- 10.43. The proposed development includes significant excavation that may produce large volumes of waste; it is considered necessary for permission to be granted only subject to the submission of a site waste management plan, to minimise the amount of waste produced by the development.

#### Other Considerations

- 10.44. Concerns have been raised that by granting permission for the proposed development, a harmful precedent could be established. Each planning application is assessed on its own merits and the decision made in this regard to this application would not automatically set a precedent either for or against similar development in the area.
- 10.45. Concerns have also been raised that the proposed development would have a detrimental impact on property value, but this is not a material planning consideration.

#### Conclusion & Planning Balance

- 10.46. The proposed development as now revised is considered to have satisfactorily overcome previous concerns raised in regards of the recently refused proposal.
- 10.47. Significant amendments have been made, and it is considered to be acceptable in terms of scale, appearance, the standard of accommodation that would be offered to future residents, and the impacts it is anticipated to have on the



amenities of local residents, highway safety and biodiversity. Conditions can appropriately mitigate any negative impacts, as set out in this report.

- 10.48. For the foregoing reasons the proposal is considered to be in accordance with policies SA6, CP1, CP8, CP9, CP10, CP11, CP12, CP13 and CP14 of the Brighton and Hove City Plan Part One, and DM1, DM18, DM20, DM22, DM33, DM36, DM37, DM40, DM42, DM43 and DM44 of the City Plan Part Two.

## **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.

- 11.3. The new dwellinghouse is required by condition in the outline permission to be built in accordance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings); this will ensure that the dwelling is equally accessible for all.

