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| <u>No:</u> | BH2025/01832 | <u>Ward:</u> | Westdene & Hove Park Ward |
| <u>App Type:</u> | Householder Planning Consent | | |
| <u>Address:</u> | 4 Benett Drive Hove BN3 6PL | | |
| <u>Proposal:</u> | Erection of single storey rear extension, enlargement of rear first floor dormers and installation of rear terrace, and associated alterations. | | |
| <u>Officer:</u> | Vinicius Pinheiro, tel: 292454 | <u>Valid Date:</u> | 22.08.2025 |
| <u>Con Area:</u> | N/A | <u>Expiry Date:</u> | 17.10.2025 |
| <u>Listed Building Grade:</u> | N/A | <u>EOT:</u> | 10.12.2025 |
| Agent: | Owen Powell Ltd 82 Gloucester Road Brighton BN1 4AP | | |
| Applicant: | Mr M Herrington 4 Benett Drive Hove BN3 6PL | | |

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 | 2506/1 | | 11-Nov-25 |
| Proposed Drawing | 2506/2 | B | 11-Nov-25 |
| Proposed Drawing | 2506/3 | B | 11-Nov-25 |
| Proposed Drawing | 2506/4 | B | 11-Nov-25 |
| Proposed Drawing | 2506/5 | B | 11-Nov-25 |

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

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

4. Unless otherwise shown on the drawings hereby approved, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One.

5. Notwithstanding the details on the drawings hereby approved, the raised terrace hereby approved shall not be first brought into use until solid/opaque privacy screens of 1.5 metres in height (measured from the finished floor level of the terrace/balcony) have been installed on the south and north boundaries of the terrace. The screens shall thereafter be retained.

Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the 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 relates to a single storey detached dwellinghouse located on the west side of Benett Drive. The street scene is predominantly residential, with detached properties, varying in design, materials and style. A number of rear extensions and rear roof terraces are present in the area.
- 2.2. The site is not within a conservation area and there are no Article 4 Directions covering the site relating to extensions or alterations.

3. APPLICATION DESCRIPTION

- 3.1. Planning permission is sought for the erection of single storey rear extension, enlargement of rear first floor dormers and installation of rear terrace, and associated alterations.
- 3.2. A single-storey rear extension is proposed to infill the area to the north of the existing rear extension. The enlargement of the existing rear dormer windows to form a single larger dormer with a pitched roof, and the installation of a rear terrace at loft level with associated privacy screens. The proposal also includes the replacement of the existing garage door on the front elevation with a new window and other associated external alterations. All the proposed works would be finished in materials to match the existing dwelling.
- 3.3. Amended plans have been submitted during the application to reduce the width of the terrace to be within the confines of the dormer, and to introduce side privacy screens.

4. RELEVANT HISTORY

- 4.1. **BH2022/01543** Application for approval of details reserved by condition 4 (samples of materials) of application BH2019/00603. Approved 10.06.2022
- 4.2. **BH2019/00603** Erection of single storey rear extension and roof alterations including 2no new rear dormers to replace existing and new gable to front, with alterations to fenestration and cladding. Approved 05.07.2019
- 4.3. **BH2013/04372** Enlargement of existing first floor dormer on front elevation. Refused 17.02.2014
Refused on the following grounds: "The proposed front dormer, by virtue its design and excessive size, would form an overly dominant and incongruous feature that would harm the character and appearance of the existing property, streetscene and wider surrounding area. The proposal is thereby contrary to policy QD14 of the Brighton and Hove Local Plan, and Supplementary Planning Document 12 Design Guide on Extensions and Alterations."
- 4.4. **BH2000/03054/FP** Proposed demolition of attached garage and formation of loft conversion with one front dormer, two rear dormers and extended bridge line. Approved 10.01.2001
- 4.5. **BH2000/02748/FP** Proposed loft conversion with two front dormers, one rear dormer and extended bridge line. Refused 14.11.2000
Refused on the following grounds: "The proposed front and rear dormers, by virtue of their bulk and design, would be detrimental to the visual amenities of the locality and contrary to policies BE1 and BE19 of the Hove Borough Local Plan 1995 and QD1 and QD14 of the Brighton & Hove Local Plan First Deposit

Draft 2000 and to the provisions of Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions."

5. REPRESENTATIONS

- 5.1. **Eight (8)** comments have been received objecting to the proposal for the following reasons:
- Inappropriate Height of Development
 - Overdevelopment
 - Overshadowing
 - Restriction of view
 - Overlooking
- 5.2. **One (1)** comment has been received supporting the proposal for the following reason:
- Good Design
- 5.3. **Councillor Ivan Lyons** has objected to the proposal. A copy of their representation is attached to this report.
- 5.4. Full details of all representations received can be found online on the Planning Register.

6. CONSULTATIONS

- 6.1. **Sustainable Transport:** Acceptable 07.11.2025
The proposed development is unlikely to have a significant impact on the highway network. We, therefore, find the proposal acceptable.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013, revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| CP8 | Sustainable Buildings |
| CP9 | Sustainable transport |
| CP10 | Biodiversity |
| CP12 | Urban Design |

Brighton & Hove City Plan Part Two:

| | |
|------|--|
| DM1 | Housing Quality, Choice and Mix |
| DM18 | High quality design and places |
| DM20 | Protection of Amenity |
| DM21 | Extensions and alterations |
| DM33 | Safe, sustainable and active travel |
| DM36 | Parking and Servicing |
| DM37 | Green Infrastructure and Nature Conservation |

Supplementary Planning Document:

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

9. CONSIDERATIONS & ASSESSMENT

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

Design and Appearance

- 9.3. The application proposes several alterations to the property, including works to the front and rear elevations, and to the roof.
- 9.4. To the front elevation, the proposal includes the replacement of the existing garage door with a new window and conversion of the garage to a workroom. The new window would match the existing fenestration of the property in terms of material and colour, ensuring visual consistency with the dwelling's appearance. This alteration is considered acceptable in design terms. No other changes are proposed to the front of the building.
- 9.5. Turning to the rear, a single-storey extension is proposed, partly replacing an existing sunroom. The extension would infill the space to the north side of the

property, adjacent to the existing rear projection, and would also extend beyond the current rear elevation. It would measure approximately 4 metres in height, 9 metres in width, and its depth would project about 3.5 metres from the rear wall of the main dwelling. The extension would incorporate a flat roof with a rooflight, and materials are proposed to match those of the existing dwelling.

- 9.6. It is noted that the flat roof of the proposed extension would sit slightly higher than the eaves of the main dwelling, which is regrettable, however, this design approach maintains internal ceiling height continuity. Given its position to the rear of the property, where it would not be visible from the public realm, the extension is considered to have an acceptable impact on both the host property and the wider streetscene.
- 9.7. The proposal follows a previously approved scheme under reference number BH2019/00603. The current extension would project approximately one metre further in depth than that earlier approval but would remain set in from the site boundaries. Given the substantial scale of the host property and the sizeable rear garden, it is considered the scale of the extension would be suitably subservient and it would not constitute an overdevelopment of the site. Ample amount of garden space would remain undeveloped, and the overall appearance would be acceptable.
- 9.8. The existing rear dormer windows are proposed to be replaced with a single, larger dormer featuring a pitched roof. The use of materials matching the existing dwelling is welcomed. The dormer would include doors providing access to the proposed terrace located above the roof of the proposed rear extension. The terrace (as amended) would be limited in width to that of the dormer and would have privacy screens to the north and south sides. A rooflight is proposed to the rear roofslope. As these alterations would be somewhat subservient to the main roof and as they would not be visible from the streetscene, they are considered to have an acceptable visual impact.
- 9.9. Two rooflights are also proposed, one to the north roof slope and one to the south roof slope. These are considered minor and acceptable in design terms.
- 9.10. Overall, the alterations proposed to the host building are considered to result in alterations that would not cause harm to the appearance of the building or character of the street scene. The proposal would accord with DM18 and DM21 of City Plan Part Two and CP12 of City Plan Part One.

Impact on Amenities

- 9.11. Policy DM20 of City Plan Part 2 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers.
- 9.12. The impact on the adjacent properties has been fully considered in terms of overshadowing, daylight, sunlight, outlook and privacy and no significant harm as a result of the proposed development has been identified.

- 9.13. The proposed single storey rear extension would be set approximately 3.3 metres from the boundary with No. 2 Benett Drive and around 4 metres from the side elevation of that property. Given this level of separation, the relationship with this neighbouring dwelling is considered acceptable.
- 9.14. On the opposite side, the extension would be positioned approximately 1.4 metres from the boundary shared with No. 6 Benett Drive and around 4.6 metres from the side elevation of that property. This degree of separation is considered sufficient to prevent any undue loss of light, outlook, or privacy to that neighbour, and therefore no significant impacts are anticipated.
- 9.15. At ground floor level, the proposed openings would provide views similar to those already available from the existing property and garden area. As such, no additional overlooking or loss of privacy is expected, and this aspect of the proposal is considered acceptable.
- 9.16. The new dormer would replace 2 dormers with similar views to neighbouring properties. As it would be larger however it would increase potential overlooking to a degree. Due to the high density of residential properties and small rear amenity areas, the location is characterised by a high degree of mutual overlooking however, and the potential increase from these works is not considered excessive over that already exhibited.
- 9.17. The proposed terrace at loft level would be relatively small scale but would have potential to introduce additional overlooking of adjoining properties. However, the scheme has been amended since first submitted, to reduce its width and to include 1.5 metre privacy screens to both the north and south sides, and on balance both these changes are considered to effectively mitigate these impacts. The terrace would be centrally located on the property, with main views afforded towards the rear garden, and it would have sufficient separation distance to neighbours. It is also noted that the neighbouring property to the north already benefits from a first-floor terrace, indicating that a degree of overlooking exists.
- 9.18. On balance, it is considered that the proposed development would not cause an adverse level of harm to the amenity of neighbours and would comply with DM20 of the Brighton and Hove City Plan Part 2.

Standard of Accommodation

- 9.19. The proposal would enlarge the communal spaces and the existing bedrooms in the loft area. The bedrooms would meet the minimum floorspace standards and minimum widths required by policy DM1. All the accommodation provided and altered would benefit from sufficient outlook and natural light and would otherwise improve the overall floorspace and standard of accommodation complying with policy DM1 of the Brighton and Hove City Plan Part Two.

Sustainable Transport

- 9.20. As noted by the Transport Officer, the proposed development is unlikely to result in any significant impact on the local highway network. While the existing garage is proposed to be converted into habitable accommodation, this is considered

acceptable as the property benefits from an existing driveway to the front, which provides off-street parking. Furthermore, the number of bedrooms within the dwelling would remain unchanged, and therefore the proposal is not expected to generate an increase in vehicle trips or parking demand. The property has sufficient space to provide (alternative) cycle parking storage if required.

Biodiversity Gain Plan

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

10. CONCLUSION

- 10.1. The proposed works are considered to have an acceptable impact on the host property and would not adversely affect the character or appearance of the wider area, as the majority of alterations are located to the rear. The proposal would maintain an acceptable relationship with neighbouring properties, and the standard of accommodation provided would meet relevant requirements. Overall, the scheme is considered to accord with the relevant policies of the Development Plan, and, having regard to all material considerations including the National Planning Policy Framework (NPPF), approval is 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.