

<b><u>No:</u></b>	<b>BH2025/01647</b>	<b><u>Ward:</u></b>	<b>Westbourne &amp; Poets' Corner Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Garages 1 To 6 Rear Of 187 Kingsway Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage buildings and the erection of 2. No residential units</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 290585	<b><u>Valid Date:</u></b>	19.08.2025
<b><u>Con Area:</u></b>	Sackville Gardens	<b><u>Expiry Date:</u></b>	14.10.2025
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Mr Luke Carter 2 Port Hall Road 2 Port Hall Road Brighton Sussex BN1 5PD United Kingdom		
<b><u>Applicant:</u></b>	Matthew C/O Lewis & Co Planning 2 Port Hall Road Brighton Sussex BN1 5PD United Kingdom		

## 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	01		01-Jul-25
Location Plan	02		01-Jul-25
Proposed Drawing	06		01-Jul-25
Proposed Drawing	07 A		12-Nov-25
Proposed Drawing	08		01-Jul-25
Proposed Drawing	09 A		12-Nov-25
Proposed Drawing	10 A		12-Nov-25
Proposed Drawing	11		01-Jul-25
Proposed Drawing	12 A		12-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. 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 details 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 all hard surfacing materials
- c) samples/details of the proposed window and door
- d) 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 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

5. No extension, enlargement, alteration of the dwellinghouses or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

6. No development above ground floor slab level shall take place until full details of all new sliding sash windows and doors and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber double hung vertical sliding sashes with hidden trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

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

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM26 of Brighton & Hove City Plan Part 2, and CP15 of the Brighton & Hove City Plan Part One.

8. Prior to occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:

- a. 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.

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

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

10. The development hereby permitted shall not be occupied until the dwellings hereby permitted have been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.

11. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.

**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.

12. None of the residential units hereby approved shall be occupied until each residential unit built has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.

**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

13. 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.

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 Part L – Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
3. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
4. 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.

### **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 relates to 6 post war, flat roofed garages with hardstanding sited at the rear of 187 Kingsway within the Sackville Gardens Conservation Area in close proximity to the junction with Sackville Gardens. The garages border the rear garden of 185 Kingsway to the east and are separated from 187 Kingsway by a small gap on the southern side. To the north of the site is No. 1 Sackville Gardens, which is three stories in height.

## **3. RELEVANT HISTORY**

- 3.1. The site has been subject to a recent pre-application enquiry. The general guidance provided supported the principal of the loss of the existing garages and replacement with two new dwellings.
- 3.2. **BH2017/03293** Demolition of existing garages and erection of 2no 2 storey plus basement residential dwellings. Refused 30.01.2018 for the following reasons and Appeal Dismissed 06.02.2019:
  - 1. The proposed dwellings, by reason of the proposed roof form and cramped design, the dense site coverage and the position in the streetscene projecting substantially forward of an established historic Sackville Gardens building line, would be uncharacteristic of the surrounding Sackville Gardens Conservation Area. Furthermore the lack of front gardens and the introduction of lightwells with bridged walkways are uncommon features of the streetscene which would fail to preserve or enhance its character contrary to policies CP12 & CP15 of the Brighton & Hove City Plan Part One and retained policy HE6 of the Brighton & Hove Local Plan.
  - 2. The proposed dwellings would provide accommodation over three floors with substantial areas of the floor space allocated to hallways, landing areas and staircases. In addition the basement bedrooms proposed

would suffer from poor and oppressive outlook and the bedrooms within the roof space would be dictated by sloping ceilings resulting in a sense of cramped accommodation. As such the proposed dwellings would provide inadequate accommodation to meet the likely needs of future occupiers contrary to Policy QD27 of the Brighton and Hove Local Plan.

3. The proposed amenity space to the most southern property by reason of its small size and the walkway above would suffer from poor levels of natural light, resulting in a poor quality of amenity space to future occupiers and thus the development does not comply with the requirements of retained policies HO5 and QD27 of the Brighton & Hove Local Plan.

3.3. **BH2016/00527:** Demolition of existing garages and erection of 2no two bedroom single storey houses. Refused April 2016.

3.4. **BH2014/01990:** Demolition of existing garages and erection of four storey building containing 4no one bedroom flats and 2 no two bedroom maisonettes. Refused December 2014 and Appeal Dismissed October 2015.

#### **4. APPLICATION DESCRIPTION**

4.1. The application seeks permission for the demolition of the existing garage buildings and the erection of two 3no. bedroom dwellings. The dwellings would be set into the ground and have accommodation across basement and ground levels as well as incorporating rooms in the roof space. The dwellings would be finished in painted render with white painted timber sash windows and a slate roof.

4.2. Amendments have been made during the course of the application to reduce the height on the rear boundary (eastern side), in order to improve the relationship of the development with neighbouring properties to the east.

#### **5. REPRESENTATIONS**

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

- Loss of light
- Loss of garages
- Increase in parking
- Overshadowing
- Overlooking
- Noise and disturbance
- Overdevelopment
- Unsuitable site family housing

5.2. In response to publicity, responses were received from **Fourteen (14)** individuals, supporting to the application for the following issues:

- Good design
  - Housing need
  - Loss of unsightly garages
  - Increase in parking spaces by removing the garages
  - Improvement to the conservation area
- 5.3. Full details of representations received can be found online on the planning register.

## 6. CONSULTATIONS

### Internal:

- 6.1. **Heritage:** No objection subject to conditions  
 The main issue to be addressed is whether the proposal would result in harm to the significance of the Sackville Gardens Conservation. Various design iterations have been considered at the pre-app stage and previous applications. The design has evolved to address previous concerns regarding scale, proportions and detailing. The overall height has been lowered, and the proposed roof form is now hipped and the parapet has been emphasised. Detailing and materials reflect the adjacent buildings and the surrounding area. Scale and proportions are appropriate, given the constrained nature of the site, subservient to existing historic buildings.
- 6.2. The information provided is satisfactory to determine that the development can be made acceptable in relation to the impacts on heritage provided the conditions relating to materials and window/door detailing are imposed.
- 6.3. **Sustainable Transport:** No comment received

### External:

- 6.4. **East Sussex Fire Authority:** Comment  
 The applicant should note advice from the fire authority that if there are any existing emergency exit routes from the rear gardens of the dwellings on Kingsway, these should not be obstructed. Building Control Regulations will also consider this matter.

## 7. MATERIAL CONSIDERATIONS

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

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

## 8. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP10	Biodiversity
CP12	Urban design
CP15	Heritage

#### Brighton & Hove City Plan Part 2:

DM18	High Quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM26	Conservation Areas
DM28	Locally Listed Heritage Assets
DM29	The Setting of Heritage Assets
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM41	Polluted sites, hazardous substances & land stability
DM43	Sustainable Urban Drainage
DM44	Energy Efficiency and Renewables

#### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD09	Architectural Features
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD17	Urban Design Framework

#### Other relevant documents

Sackville Gardens Conservation Area Character Statement

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, design and impact on heritage assets, impacts on neighbouring amenity, highways, the proposed standard of accommodation, land contamination, sustainability and biodiversity matters.



Principle of the Development:

- 9.2. Policy CP1 in City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,498 homes per year. A 20% buffer is applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2024 which shows a five-year housing supply shortfall of 10,643. This is equivalent to 1.4 years of housing supply.
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.5. It is unclear from their appearance if the six existing garages are in active use. They appear to be in reasonable condition. It is also unclear who currently uses/used the garages however, this would be a matter for the owners to resolve privately with any users although it is noted within the application form that the garages are under the sole ownership of the applicant. Notwithstanding the above, there is no objection to the loss of the garages.
- 9.6. The provision of two dwellings at the site is given increased weight and makes an important, albeit minor, contribution to the city's housing land supply.

**Design and Impact on Heritage Assets:**

- 9.7. 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.
- 9.8. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area should be given "considerable importance and weight".
- 9.9. The existing garages are not of historic or architectural significance and are considered to make a negative contribution to the existing character of the Sackville Gardens conservation area. However, it is noted that their ancillary and subordinate nature maintains a sense of openness and provides a visual break between the development along Sackville Gardens and the Kingsway buildings to the south.

- 9.10. The site has extensive planning history, and the design and scale of the development has evolved over time to address concerns previously highlighted by the LPA and Planning Inspectorate as noted in the relevant history section above. These concerns have always centred around the detailing, design, scale and height of the development and its impact on the streetscene and heritage assets.
- 9.11. The existing garages are proposed to be demolished, and two new two storey dwellings are proposed to be erected in their place.
- 9.12. The dwellings would be set within the plot, maintaining a 2.1m separation from both side boundaries to the north and south. Their frontages would be set back from the street by approximately 4m creating small front garden areas for each dwelling. The proposed siting would be slightly forward of the established building line along the eastern side of Sackville Gardens, but not beyond the line of the side elevation of 187 Kingsway. The siting forward of the Sackville Gardens building line was previously objected to within the previously refused applications in 2016 and 2017, however it was acknowledged that the lack of any set back from the streetscene along with the scale and design of the dwellings further exacerbated the dwellings positionings. It is now considered that the scale and design of the dwellings have been improved, and the creation of front garden areas now allows the dwellings to sit more comfortably within the street and as such their siting would not appear unduly dominant.
- 9.13. The proposed scale of the development, due to its single storey appearance and coverage of the site would appear appropriate and would not be overly dominant within the street scene. The proposal would still maintain a sense of openness and maintain the visual break created by the existing garage development.
- 9.14. The design of the proposed two storey dwellings is such that they would appear as single storey within the street scene due to the lower basement level which would not be visible from the public realm. Accommodation is also formed within the proposed hipped roof by way of two traditional style dormers. The dormers are considered to be appropriately scaled and detailed and would cause no harm to the character and appearance of the streetscene. The proposed detailing otherwise includes render, white painted timber sash windows and a grey slate roof. The proposed design treatments including eaves details and other sympathetic detailing are considered appropriate given the traditional and historical context of the site.
- 9.15. The proposed front boundary which is in the form of a traditional rendered low wall, ensures the proposal integrates successfully within the streetscene and the wider area and no objection is raised in this regard.
- 9.16. Overall, the proposal is considered to be an appropriate and sympathetic development which does not cause significant harm to the character and appearance of the site, streetscene or the surrounding conservation area. The design and appearance of the dwellings is considered to be in accordance

with policies CP12 and CP15 of the Brighton and Hove City Plan Part One and DM18 and DM26 of the Brighton and Hove City Plan Part Two.

**Proposed Standard of Accommodation:**

- 9.17. The proposed dwellings would have internal floor spaces of 112sqm and 117sqm and would both provide 3 bedrooms, suitable for 5 occupants across the three floors (lower ground, ground and roofspace). As such the minimum floor areas as required by policy DM1 and the NDSS for a unit of this type is 99sqm. Both units of accommodation would therefore exceed this minimum standard.
- 9.18. As a result of pre-application discussions, the constraints of the site dictate that the two of the bedrooms would be located at basement level. Basement side lightwells would enable the two bedrooms to have full height openings onto the basement patios. The front basement double bedrooms would also have a rooflight, positioned in the front gardens (the front building line of the ground floor is set further into the site than the front basement building line). Some overlooking into these rooflights could occur from people standing within the front gardens, however as these are not the only openings, blinds could be utilised to protect privacy from within the bedrooms. Whilst the levels of light and outlook would not be ideal, given these rooms are bedrooms (and not the only bedrooms in the new dwellings) and are not too dissimilar to the basement flats within the immediate vicinity, on balance in this context this is considered acceptable. The ground floor living accommodation and first floor bedroom would have acceptable levels of light and outlook. The general layout is also considered acceptable, and no further concerns are raised in this respect.
- 9.19. With regards to the provision of private amenity space, the dwellings would have small basement level external patios and also the front gardens. Whilst this is considered to be somewhat limited in its provision, given the scale of the dwellings and their central location, this is not considered uncommon within the vicinity and is considered on balance acceptable given the constraints of the site. It is noted that the residents will also benefit from being in a sustainable location, within easy walking distance of public amenities and public spaces, such as the seafront to the south of the site.
- 9.20. The proposed dwellings would therefore be in accordance with policies DM1 and DM20 of the Brighton and Hove City Plan Part Two.

**Impact on Neighbouring Amenity:**

- 9.21. The properties most likely to be impacted by the proposal are 187 Kingsway, to which the application site is located to the rear of and 185 Kingsway whose rear garden adjoins the rear boundary of the application site.
- 9.22. The scheme has been amended during the course of the application, to reduce the height and massing of the dwellings on the rear boundary. Whilst the overall maximum height of the dwellings remains very similar, the eaves height has been lowered by approximately 0.7m and the roofslopes above have been set away from the shared boundary.

- 9.23. The existing garages currently protrude above the existing boundary wall to the west (shared by 185 Kingsway) by approximately 1m. The proposed rear elevation of the dwellings would extend a further 0.8m upwards to the eaves level of the dwellings roof. This would result in a new boundary height of approximately 2.6m. Above the eaves level, the roofslope steps in from the shared boundary and slopes steeply up, away from east. Although the proposed development would be higher than the existing flat roofed garages, the main bulk of the dwellings and the height to eaves level would not be so significantly impactful as to warrant refusal. The neighbouring property (185 Kingsway which is converted into flats) has a single storey rear extension which would be sited alongside the development which features a rear window and patio doors. Whilst the increase in height would be evident from these openings, given the overall height of the development, some impact would occur, however is not considered so significant to warrant refusal. The orientation of the properties ensures that the development would not result in any significant loss of sunlight or overshadowing.
- 9.24. Directly to the south of the proposed development is No. 187 Kingsway (also converted into flats) which has a ground floor window facing the application site. This window was noted as being obscure glazed on site and therefore could be likely to serve a bathroom or a secondary room. It is also noted that the development would be set a further 2.1m further to the north, than that of the existing row of garages. As such it is not considered that any significant harm would result to this neighbouring occupier.
- 9.25. There is a basement flat at 187 Kingsway and whilst the proposed development would be greater in height than the existing garage development, the greater separation distance (2.1m), is considered to sufficiently negate any increase in impact from the additional height.
- 9.26. The property to the north of the site No. 1 Sackville Gardens is separated by the existing vehicular access. The ground and first floors of the proposed development are set a further 2.6m from the vehicular access. This neighbouring property has a number of side windows facing, however only one window is positioned at ground floor level. Given the separation of the new dwellings proposed, the development would not result in a harmful impact to the amenities of this neighbouring property.
- 9.27. No windows are proposed to the rear of the proposed properties, only rear rooflights which would provide oblique views to the rear. Whilst these would be new views towards the east, they would not overlook directly the nearest garden areas as they would be obscured by the angle of the window and the bottom of the roof. Therefore, any new longer views to the east would not be unusual when in a tight knit urban location. No upper floor side windows are proposed, only at ground level and basement level, which would be screened by boundary treatments. As such no increased levels of overlooking or loss of privacy would result to neighbouring properties to the east.

9.28. The applicant has submitted a daylight and sunlight report. The report assessed the impact of the development on the lowest positioned windows on the neighbouring properties at nos. 187 and 185. It concluded that these dwellings would not be likely to be harmfully impacted by overshadowing from the proposed development and the sunlight availability would not be significantly altered. It was concluded that the proposed development would not significantly reduce the amount of sunlight to the garden in 185 Kingsway, which is immediately to the east of the site, compared with the existing garage development.

9.29. Overall, the proposals would not result in any significant harm to neighbouring amenity in accordance with policy DM20 of the Brighton and Hove City Plan Part Two.

**Impact on Highways:**

9.30. The site is considered to be in a sustainable location close to local shops and services with bus stops served by several routes, including to Brighton train station.

9.31. The application does not include off-street car parking spaces. The erection of 2 residential units and the loss of the existing garages, which could have previously been used for vehicular storage, would mean that there may be parking overspill onto the highway. This site is located inside a Controlled Parking Zone (CPZ) H and therefore any increase in demand for parking would be controlled and managed by the parking team.

9.32. The applicant is proposing 2 cycle parking spaces per unit. Parking Standards SPD14 requires a minimum of 1 cycle parking space for 1 - 2 bedroom dwellings. A condition will be attached to secure the shown facilities are implemented prior to first occupation.

9.33. The plans indicate refuse and recycling bins in front of each residential unit. These facilities appear acceptable.

**Sustainability:**

9.34. Energy and water efficiency measures in accordance with Policy CP8 of the City Plan Part One and Policy DM44 of the City Plan Part Two can be secured by condition.

**Biodiversity and landscaping:**

9.35. Conditions requiring at least one bee brick has been attached to improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

9.36. The development includes planting to the front garden areas which is considered necessary to enhance the visual amenity of the development. Conditions will ensure the planting is carried out in accordance with the plans.

**Biodiversity Net Gain**

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

### **Conclusion**

- 9.38. The proposed development is considered to be of an acceptable design and appearance and would not cause significant harm to the character and appearance of the site or the surrounding conservation area. It is not considered to result in any significant harm to neighbouring amenity, transport or biodiversity and the proposed two dwellings would provide a good standard of accommodation and would contribute towards the city's housing supply. Approval is therefore recommended subject to conditions as set out above.

## **10. EQUALITIES**

- 10.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics. The site has level access into the dwellings.
- 10.3. Level access would be provided to the ground floor level of the new dwellings and a condition regarding compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) is attached should the application be approved.

## **11. COMMUNITY INFRASTRUCTURE LEVY**

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