

|                                      |   |                            |   |
|--------------------------------------|---|----------------------------|---|
| <b><u>No:</u></b>                    | <b>BH2025/02255</b>   | <b><u>Ward:</u></b>        | <b>West Hill &amp; North Laine Ward</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>  |                            |   |
| <b><u>Address:</u></b>               | <b>Basement Flat 99 Buckingham Road Brighton BN1 3RB</b>  |                            |   |
| <b><u>Proposal:</u></b>              | <b>Erection of front porch extension, rear conservatory extension and single storey rear extension with associated works.</b> |                            |   |
| <b><u>Officer:</u></b>               | Helen Hobbs,  | <b><u>Valid Date:</u></b>  | 30.10.2025                              |
| <b><u>Con Area:</u></b>              | West Hill   | <b><u>Expiry Date:</u></b> | 25.12.2025                              |
| <b><u>Listed Building Grade:</u></b> | N/A   | <b><u>EOT:</u></b>         |   |
| <b><u>Agent:</u></b>                 | Wang Dao Architecture Ltd Mocatta House Trafalgar Place Brighton BN1 4DU  |                            |   |
| <b><u>Applicant:</u></b>             | IPG Basement Flat 99 Buckingham Road Brighton BN1 3RB   |                            |   |

## 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.

| <b>Plan Type</b>        | <b>Reference</b> | <b>Version</b> | <b>Date Received</b> |
|-------------------------|------------------|----------------|----------------------|
| Location and block plan | 2313 PL21        | B              | 30-Oct-25            |
| Proposed Drawing        | 2313 PL23        |                | 12-Sep-25            |
| Proposed Drawing        | 2313 PL25        |                | 12-Sep-25            |
| Report/Statement        | PEA              |                | 30-Dec-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. The external finishes of the external walls 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, DM21 and DM26 of Brighton & Hove City Plan Part 2 and CP12 and CP15 of the Brighton & Hove City Plan Part One.

4. 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.

The development shall be carried out in accordance with a precautionary approach to ecology as outlined in the Preliminary Ecology Appraisal submitted on the 30 October 2025.

**Reason:** To minimise impact on ecology and 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.

5. Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

**Informatives:**

6. 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.
7. 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 relates a lower ground floor flat, within a five-storey semi-detached building, located on the southern side of Buckingham Road and within the West Hill Conservation Area. The site is subject to an Article 4 direction which removes householder permitted development rights.
- 2.2. The overall plot is larger than typical for the area and has an unconventional shape as it includes vehicle access to the side, which leads to a row of three garages set back from the road. The rear of the garages marks the boundary to St Nicholas playground to the south. Behind the main house at 99 Buckingham Road is a large residential garden; the rear garden boundary of the site forms the rear boundaries of residential properties in St Nicholas Road.
- 2.3. The southeastern part of the site falls marginally with an Archaeological Notification Area and adjoins a Nature Improvement Area in St Nicholas playground

### **3. RELEVANT HISTORY**

- 3.1. **BH2025/02152** Erection of dwelling to rear with associated alterations. Under Consideration
- 3.2. **BH2025/02148** Erection of first floor side extension and replacement of existing garages to form 1no new dwelling (C3) with associated rear garden building. Under Consideration
- 3.3. **BH2010/02928** Proposed new porch to front of basement flat. Approved 11.03.2011
- 3.4. **BH2009/03051** Erection of conservatories at rear to ground and lower floor flats, creation of roof terrace to first floor flat above existing garage, removal of stairs to the rear of the building and relocated to the rear of the garden. Replacement of existing double doors to rear of ground floor flat with new windows. Approved 03.03.2010

### **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the erection of a front porch extension, rear conservatory extension and single storey rear extension with associated works.

### **5. REPRESENTATIONS**

- 5.1. **Eight (8)** letters of representation have been received from **seven (7)** interested parties objecting to the application for the following reasons:
  - The land is adjacent to a formal burial ground
  - Impact on archaeology

- Impact on wildlife and ecology
- Light pollution
- Loss of green space
- Loss of privacy and overlooking
- Loss of light and overshadowing
- Noise and disturbance
- Maintenance issues for adjoining properties
- Impact on adjoining boundary walls and retaining walls
- Detrimental impact on conservation area and historic boundary walls
- Harmful impact on the adjoining play area
- Overdevelopment
- No pre-application consultation with neighbours
- Changes the garden boundaries to facilitate other applications
- Loss of trees
- Conflict and confusion when read with the other applications for the site

5.2. Full copies of the representations can be viewed on the planning register.

## 6. CONSULTATIONS

**County Archaeologist** No comments to make on this application

6.1. Full details of consultation responses received can be found online on the planning register.

## 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 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Area Action Plan (JAAP) 2019.

## 8. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

|      |  |
|------|--|
| SS1  | Presumption in Favour of Sustainable Development |
| CP10 | Biodiversity                                     |
| CP12 | Urban design                                     |
| CP15 | Heritage   |

#### Brighton & Hove City Plan Part Two

|      |  |
|------|--|
| DM1  | Housing Quality, Choice and Mix              |
| DM18 | High quality design and places               |
| DM20 | Protection of Amenity                        |
| DM21 | Extensions and alterations                   |
| DM22 | Landscape Design and Trees                   |
| DM26 | Conservation Areas                           |
| DM31 | Archaeological Interest                      |
| DM37 | Green Infrastructure and Nature Conservation |

#### Supplementary Planning Documents

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

#### Other Documents

West Hill Conservation Area Character Statement

## **9. CONSIDERATIONS & ASSESSMENT**

- 9.1. The main considerations in the determination of this application relate to the design and appearance of the proposed alterations and extensions and any impact on heritage assets and whether they would have a detrimental impact on neighbouring amenity. The impact of the proposal on biodiversity and any impact on the standard of accommodation also requires consideration.

### **Design and Heritage Considerations**

- 9.2. 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.
- 9.3. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.4. The application seeks consent for a porch extension to the lower ground floor flat. The lower ground floor flat is accessed from the street via steps down the western elevation of the property. The lower ground floor flat entrance door is located on the western elevation at lower ground floor level and would remain in this location. It is proposed that a new front door would be installed in the current location. This is considered to be an improved design to the current front door

- 9.5. The new porch structure would be located behind the existing ground floor front railing and replace the existing polycarbonate roof with a glazed roof of a similar design. This change in material is welcome. The roof would continue to provide covering to the basement steps. It may be visible in glimpses from public vantage points in Buckingham Road, however the visual impact on the street scene and wider West Hill Conservation Area would be negligible.
- 9.6. A new rendered wall is to be constructed alongside the basement steps to enclose the porch. The works are similar to those previously granted consent in 2010. Seen in context with the dominant elevations to the main property the works to form the porch are not considered visually dominant and would have an acceptable appearance. The two new windows in the western elevation are also acceptable in design and appearance.
- 9.7. The existing and proposed floor plans show a minor change to the positioning of the flank wall for the flat and the repositioning of the garden fence. This is the wall which runs along the access passage to the rear, A small change in the angle of the wall is proposed and this would allow for a slightly wider passageway. There is no objection to this in design terms.
- 9.8. With regard to the works proposed to the rear, the extension and conservatory are considered to be an acceptable scale and appearance. The conservatory would be a half-octagon form with a concave leaded roof. It would measure 6.05m in width, 3.25m in depth, and 3.57m in overall height, with an eaves height of 2.72m. The rear extension is proposed at 5.15m wide and 1.8m deep, matching the same eaves height of the conservatory. Collectively the development would create a notably sized structure, extending across the entire rear elevation, but it would not appear over-sized given the scale of the rear elevation of the building. It would also relate well to the bay window above. Due to the size of the garden, the works would not represent an overdevelopment of the site.
- 9.9. The materials for the extensions and alterations would be cream render for the walls, with windows and doors timber, painted white. The roof would be constructed in lead with rooflights incorporated. This approach is considered appropriate for this property which continues to have a strong architectural merit.
- 9.10. Overall, the proposal is sympathetic to the character of the main building and would not harm or obscure significant historical features. The proposed extensions are considered to be suitable additions to the building that would not harm its appearance or that of the wider area, in accordance with policies DM18 and DM21 of Brighton and Hove City Plan Part 2 and SPD12 guidance. The development would also preserve the historic character of the main building and would not impact the wider conservation area, in accordance with CP15 of the Brighton and Hove City Plan Part One and DM26 of the Brighton and Hove City Plan Part 2.

### **Impact on Amenity**

- 9.11. In regard to privacy and overlooking, the works proposed in this application serve the lower ground floor flat and are single storey additions to the property. The works to form the porch also include two new windows on the western elevation at ground floor level. These would face on to the side access and boundary wall and would not impact neighbouring occupiers.
- 9.12. In regard to privacy and overlooking from the proposed rear extension. The glazing proposed would provide the occupiers of the ground floor flat with outlook over the existing garden. There would be no loss of privacy to neighbouring properties and no overlooking of garden boundaries. The roof lights proposed for the extension are shown as obscured glass and would allow light without impacting the privacy of neighbouring occupiers. Access to the flat roof would need to be restricted for maintenance only to prevent the space being used as an elevated terrace.
- 9.13. The conservatory would be constructed adjacent to the garden boundary of no. 98 Buckingham Road, which is the adjoining property to the east. It would rise higher than the existing garden wall, which would create some degree of enclosure. The combination of the height of the extension, together with the modest depth, would however ensure that any increased sense of enclosure would be minimal, and not considered so significant as to warrant refusal of the application. Similarly, any impacts on 98 Buckingham Road, in terms of loss of light or overshadowing, would be minimal due to the single storey nature of the rear extension. The development would not be visually intrusive.
- 9.14. The separation distances from the proposed extension to neighbouring properties at the rear is considered sufficient to prevent impact on any other properties.

**Impact on boundaries walls and maintenance**

- 9.15. Concerns have been received with regards to the impacts of the proposal upon the boundary wall. Although not fully explained in the representations received, it appears that most of the concerns around boundary walls relate to the impact of the proposed house at the rear of the site (ref: BH2025/02152), and not the development proposed in this application. The extension would be within the site boundaries and does not include the loss of the wall. The practicalities of the construction are not considered within an application for planning permission. Such details and reassurances between landowners can be made under the Party Wall Act. Given the modest depth of the extension, should any interference with the wall occur, it would only be to a small proportion of its length and would not have a significant impact of the historic character of the site, or its neighbour.
- 9.16. Issues in relation to foundations, and in relations to future maintenance are not material planning considerations.

**Standard of accommodation**

- 9.17. The proposed extensions would increase the gross internal floor area of the existing flat from 104 sqm to 135 sqm. The layout of the flat would be modified and increase the accommodation from a two-bedroom flat to a three-bedroom

flat. The double bedroom will provide 23.7 sqm of floor space, while the two single bedrooms will measure 10.5 sqm and 9.3 sqm respectively.

- 9.18. The newly formed small bedroom to the front of the plan form would only be served by a light well and therefore would have severely restricted natural light, ventilation and outlook. However, it is noted this would be the smallest bedroom in the property, and the remaining two bedrooms in the flat would offer a good standard of bedroom accommodation. The proposed extensions would improve the standard of accommodation for the flat overall. It is considered, on balance, that the proposed layout is acceptable.
- 9.19. It is noted that the separate planning applications for the site include development in the existing garden area. This application does not seek to formally subdivide the plot. Despite the rear extension, a good sized rear garden would remain. No conflict with the National Described Space Standards or policy DM1 has been identified.

#### **Impact on Trees**

- 9.20. The development site benefits from mature planting to the rear. This would be largely unaffected by the development proposed in this application. This application has not been accompanied by Tree Survey, however there is one submitted for the separate planning application for a new house at the rear (application reference BH2025/02152). Looking at this document, it can be established that a Bay Tree would be lost on the eastern boundary to facilitate the extension, and the development would also be close to a Chinese Privet. Whilst loss of vegetation is regrettable, the retention of these specimens under a Tree Preservation Order would not be justified.

#### **Impact on Ecology and Biodiversity**

- 9.21. The development would result in a minor increase in the footprint of the property. This being from the existing rear elevation, representing a minor incursion into the existing garden. A wildlife assessment and a Preliminary Ecology Appraisal (PEA) have been included in this application. Given that the extent of the works proposed under this application relate to a modest extension from the existing property, the Ecologist has not responded on the application.
- 9.22. The wildlife assessment and PEA highlight some potential impacts from development on site, however it is not specific to the works within this application. Potential impacts for bats, nesting birds, badgers and insects and amphibians are noted. A fox den is also noted towards the rear of the site. However, reviewing the PEA and site characteristics, many of the observations are considered more relevant to the development proposed in the garden of the property than for this specific application for extensions. Nevertheless, the PEA does set out some recommendations for a precautionary approach to development on site and to ensure any impact on local wildlife is minimised. In the interests of best practice, the recommendations of the PEA shall be secured by condition.



- 9.23. 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 bees and swifts. A condition requiring the installation of a bee brick is attached to achieve a net gain in biodiversity and generally improve ecology outcomes on the site in accordance with the Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation and Development.

#### **Impact on Archaeology**

- 9.24. The County Archaeologist was consulted on the application and has not made a comment. The works proposed under this application have a minor footprint extending out from the main building. The works would not extend into the designated Archaeological Notification Area.
- 9.25. Comments made in relation to burial grounds associated with St Nicholas Church are noted, however not considered an issue for this application due to the large separation distances involved.

#### **Highways and Transport Considerations**

- 9.26. The proposed development would extend an existing residential unit. There would be no change to vehicle access or significant increase in movements associated with the works. The works are not considered to impact the local highway network.

#### **Other matters raised in representations**

- 9.27. The representations made on this application have been fully considered. It is noted that many concerns relate to the other planning applications for the site, however there are some overlapping and interconnected issues which require attention.
- 9.28. Although not stated in this application, the proposed alterations to the positioning of the western flank wall, and the proposed change to the garden fence of the lower ground floor flat, clearly relate to the proposed development in the garden of the property. The acceptability of the development in the garden is to be considered in a separate application. Representations on this application identifies potential amenity conflicts if this side access, with the new windows, is used for access to a separate unit of accommodation. This is a reasonable concern but not a reason for withholding consent for this application. Furthermore, an approval for the works to the lower ground floor under this application would not prejudice the outcome of the other planning applications on the site which would need to be assessed on their merits.
- 9.29. Moreover, despite changes to the garden fencing, this application is not for a subdivision of the plot, and the approval of changes to the garden fencing does not impact the assessment of future applications on the site.
- 9.30. It is not appropriate to assess the visual impact of this development cumulatively with the other proposals which are not up for determination at the time of writing this report. Should this application be approved, the approved

development would be a material consideration for the other proposals for the site.

- 9.31. Noise and disturbance through construction is not a material impact for this householder planning application. The works are not considered to result in a loss of green space or impact the play area to the rear of the site. Loss of property value is not a material consideration for this type of planning application.

**Biodiversity Net Gain**

- 9.32. 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;

**10. CONCLUSION**

- 10.1. This application is linked to additional development proposals for the site, however the application is not facilitated by works proposed in the separate applications, and can be considered on its merits as a household planning application. That said, where overlap with the other developments have occurred, it is important to note that an approval of this application would not prejudice the outcome for other applications on the site.
- 10.2. The proposed extension would not significantly harm the residential amenities of existing occupiers within the site, or those adjoining the site. The development is considered satisfactory in design and would not harm the historic character of the historic building or impact the historic character or appearance of the West Hill Conservation Area. The works would extend an existing flat and provide an acceptable standard of accommodation.

**11. EQUALITIES**

- 11.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

## **12. COMMUNITY INFRASTRUCTURE LEVY**

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

