

<u>No:</u>	BH2025/01026	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	40 Selhurst Road Brighton BN2 6WF		
<u>Proposal:</u>	Erection of a single storey rear extension, front porch, garage, air source heat pump and associated alterations including raised land levels (Part-retrospective).		
<u>Officer:</u>	Charlie Partridge, tel: 01273 292193	<u>Valid Date:</u>	01.06.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	27.07.2025
		<u>EOT:</u>	11.09.2025
<u>Agent:</u>			
<u>Applicant:</u>	Mrs Andrea Stosic 40 Selhurst Road, Brighton BN2 6WF		

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
Proposed Drawing			19-Nov-25
Location Plan			01-Jun-25
Block Plan			01-Jun-25
Existing Drawing			05-Aug-25
Existing Drawing			06-Aug-25
Proposed Drawing			10-Dec-25

2. Within three months of the date of this permission, a 1.8 metre high privacy screen, either in the form of a close boarded fence or a mature hedge of Cherry Laurel (*Prunus laurocerasus*) shall be installed/planted along the southern boundary of the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The fence/hedge shall thereafter be retained and maintained to a minimum height of 1.8 metres. Should a hedge be planted, any part of the hedge that dies, becomes diseased, damaged, or is removed shall be replaced within the next planting season with a Cherry Laurel hedge of similar size unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy of adjoining occupiers and prevent overlooking, in accordance with policy DM20 of Brighton & Hove City Plan Part Two.

3. Noise associated with the air source heat pump shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142:2014-A1:2019 (or the relevant updated Standard). In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

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.

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 detached bungalow located on the east side of Selhurst Road in Woodingdean. The bungalow is constructed mostly in brown brick with a projecting front gable. There is a single storey flat roofed garage/side extension accessed via the driveway located on the south elevation. The street scene is residential comprising detached residential bungalows displaying a variety of forms and materials.
- 2.2. The application site sits on a notably higher land level than the neighbouring property to the south due to the significant increase in land levels from south to north along Selhurst Road,
- 2.3. The rear and side extensions and front porch proposed have been already constructed. The rear garden has also been levelled. This has resulted in a

higher garden land level towards the southern boundary of the site when compared to the pre-existing situation.

3. RELEVANT HISTORY

- 3.1. **BH2025/00720** Non-Material Amendment to BH2024/00036 to increase the rear roof height to 2.75m, change the rear extension rooflight and addition of eaves to roof slope. Refused 08.04.2025
- 3.2. **BH2024/00036** Erection of a single storey rear extension and erection of a front porch, demolition of existing garage and erection of a new garage. and addition of a heat pump. Approved 10.04.2024

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought retrospectively for a rear extension, relocated side garage, front porch and an air source heat pump (ASHP). Permission was previously granted for most of these works under application number BH2024/00036. However, due to significant inaccuracies in the original drawings including the roof ridge and eaves details of the main dwelling, and the roof height of the rear extension and the fact that the extensions were not built in accordance with the approved plans, a new retrospective planning permission is required for these works. The original application is considered to be invalid. The description was altered to include these elements.
- 4.2. Retrospective permission is also sought for the raised land levels in the rear garden.
- 4.3. During the course of determining the application, the drawings were slightly amended following a site visit where measurements of the rear extension were taken. The height of the extension and its proximity to the northern boundary fence were amended on the drawings to ensure their accuracy. Additional drawings were also provided to show the pre-existing and existing land levels of the rear garden. In addition, amended proposed garden elevations and plans were received which have added a proposed 1.8m high evergreen hedge along the southern boundary of the rear garden to prevent overlooking into the neighbouring property to the south from the raised garden and southern side window in the proposed extension.
- 4.4. The rear extension proposed to the dwelling would measure approximately 2.9m in height above internal floor level, 3.9m in depth beyond the pre-existing rear elevation of the house and spans the full width of the property. The extension has a flat roof at a higher level than the eaves of the main dwelling and has three lantern rooflights projecting above its surface. The side extension (garage) measures approximately 5.2m in depth, 5.2m in total height and 2.75m in width. The front porch has a flat roof at the same height as the main eaves. The front porch and side and rear extensions are finished in brickwork to match the existing materials of the host property.

- 4.5. A site visit was undertaken to assess the impact of the works and to take measurements of the extension built on site to ensure accuracy of submitted drawings.

5. REPRESENTATIONS

- 5.1. The proposal required re-advertising to neighbours on two separate occasions as the description of development was changed to include the alterations to the land levels and the drawings were amended to include a 1.8m privacy hedge along the southern boundary to mitigate privacy impacts.

- 5.2. Four (4) objections were received, objecting to the application for the following reasons:

- Extension: overshadows, overlooks, overbearing, loss of outlook
- Land levels: overlooks neighbouring properties
- Side windows: overlook, not obscured properly
- Outdoor light installed causes light pollution
- Party wall issues
- Northern boundary shows 0.84m gap from extension - inaccurate as 0.63m on site
- Plans misrepresented, don't show intrusion of extension into eaves
- Side window changed to a patio door
- Various building control issues
- Issues relating to species of hedge proposed (Cherry Laurel): Invasive growth, excessive height, time taken to grow to maturity, lack of adequate privacy due to height of 1.8m and gaps.

- 5.3. Full details of representations received can be found online on the planning register.

- 5.4. **Councillor Jacqui Simon** has made a representation objecting to the revised application. Their representation is attached to this report as an appendix.

6. CONSULTATIONS

None

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
CP13	Public Streets and Spaces

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
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM44	Energy Efficiency and Renewables

Supplementary Planning Document:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of the application relate to the design and appearance of the works and their impact on neighbouring amenity.

Design, Character and Appearance

- 9.2. The current drawings have improved in terms of accuracy and better reflect the extension which has been built on site, as the extension was not built in accordance with the previously approved plans for the now invalid application (ref: BH2024/00036).

- 9.3. The proposed rear extension measures approximately 2.9m in height above internal floor level, 3.9m in depth beyond the pre-existing rear elevation of the house and spans the full width of the property. The extension has a flat roof at a higher level than the eaves of the main dwelling and has three lantern rooflights projecting above its surface. The scale of the rear extension is considered to be subordinate to the host building, retaining adequate outdoor amenity space at the rear of the site. Whilst the flat roof design of the rear extension does not accord with the principal roof form and awkwardly interrupts the rear roofslope, due to its location at the rear of the building and subsequent lack of visibility from the public domain, this is considered acceptable. It has also been constructed in sympathetic materials.
- 9.4. The rear extension is considered to be a suitable addition to the building that has not harmed its appearance or that of the wider area, in accordance with policy DM21 of the Brighton and Hove City Plan Part Two and SPD12 guidance.
- 9.5. The proposed side extension/garage on the south side of the main building has been constructed slightly differently to the previously approved side extension (BH2024/00036) as it is approximately 240mm higher and 1.61m less deep. As proposed (as constructed) the extension measures approximately 5.2m in depth, 5.2m in total height and 2.75m in width. It is considered sufficiently subordinate to the host property, appropriately designed and does not have a detrimental impact upon the character or appearance of the dwelling or that of the wider streetscene.
- 9.6. A front porch and ASHP are also included as part of the completed works which require assessment under this application. These elements of the scheme were previously considered acceptable (BH2024/00036) and since they are identical to the previous application their acceptability remains the same for this application.

Impact on Amenity

- 9.7. The rear garden, which previously sloped upwards from south to north, has been levelled, resulting in significantly raised land levels along the southern boundary. According to the pre-existing and proposed rear garden elevations, the ground level along the southern boundary has increased by approximately 0.7m on the western end and 0.3m on the eastern end. This increase in ground level has materially heightened the potential for overlooking into the rear garden and ground floor windows of the adjacent property at No.38. In addition to this, the original garage has been demolished and relocated which previously provided some screening to the side boundary. The new position of the garage no longer provides any screening, which further increases the potential for overlooking into No.38 from the rear extension and raised garden level.
- 9.8. The works to level the garden are considered to constitute an engineering operation and therefore do not benefit from permitted development rights. As such, there is no fallback position that would justify the harm caused from the facilitated overlooking. Furthermore, the southern side-facing window within the rear extension has been fitted with translucent glazing. This treatment is inadequate in preventing views towards No.38 and does not comply with the

previously imposed condition on the now invalid planning permission BH2024/00036 requiring fully obscure and non-opening glazing below 1.7m from internal floor level. The resulting overlooking from this window further exacerbates the loss of privacy.

- 9.9. To address this the application was amended to propose a 1.8m high privacy hedge along the full length of the southern boundary to mitigate the overlooking impact and this would be secured by planning condition. It is considered that the provision of such a boundary treatment, providing it is retained and maintained, would be sufficient to reduce privacy impacts to an acceptable standard.
- 9.10. The rear extension is not considered to result in any significant harm to the amenity of No.42 Selhurst Road to the north, due to the separation distance and the fact that this property is situated on a higher land level than the application site. The levelling of the garden has decreased the land level at the northern boundary of the site as this was naturally at the top of the slope. The extension is also not considered to be overbearing to the occupants of No.38. Due to No.38's location to the south of the application site, the extension is not considered to result in any loss of light.
- 9.11. The garage/side extension and front porch are not considered to have resulted in any impacts to neighbouring amenity.
- 9.12. Despite minor differences with the previously approved scheme, no additional impacts are considered to have resulted from the relocation of the garage with the exception of the aforementioned privacy concerns.
- 9.13. An MCS (Microgeneration Certification Scheme) was submitted in the previous application for the ASHP which indicated a noise level of 42.1dB which is only 0.1dB higher than the 42dB standard contained within the MCS Planning Standards for Permitted Development Installations of Wind Turbines and Air Source Heat Pumps on Domestic Premises (2019). A condition regarding noise levels is attached to mitigate impacts relating to the ASHP.
- 9.14. Overall, the development as undertaken has resulted in an unacceptable loss of privacy to the occupiers of No.38 Selhurst Road by reason of the significantly increased land levels in the rear garden materially increasing the potential for overlooking. The translucent glazing installed in the southern wall of the rear extension is also considered insufficient to prevent overlooking and does not comply with the previously imposed condition requiring fully obscure glazing. The proposed full length 1.8m high privacy hedge along the southern boundary is considered to mitigate these impacts to an acceptable degree. The proposal is therefore, subject to planning conditions, not considered to result in a significant enough impact on residential amenity to warrant refusal of the application.

Biodiversity Net Gain

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

Other matters

- 9.16. Objections have been raised in relation to various party wall and building control issues. These matters are not material planning considerations. Objections also mention light spill/pollution from outdoor lights. Minor domestic lighting often does not require planning permission. Although the lights may result in some additional light spill, the property is in an urban area and some light emission from properties is expected.

Conclusion

- 9.17. In conclusion, the extensions and alterations are considered acceptable in terms of design. The levelling of the rear garden and translucent glazing installed in the southern wall of the rear extension have materially increased the potential for overlooking, however the attached recommended condition securing a 1.8m high hedge/fence running along the entire length of the southern boundary of the site is considered to ameliorate concerns related to loss of privacy. Subject to the recommended conditions the proposal is considered to be acceptable and in accordance with the policies of the Brighton and Hove City Plan Part One and Part Two.

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.

Appendix 1: Councillor Objection

Charlie Partridge

From: Cllr Jacqui Simon
Sent: 09 February 2026 19:10
To: Charlie Partridge
Cc: Cllr Jacob Allen
Subject: RE: BH2025/01026

Follow Up Flag: Follow up Flag Status:
Flagged

Dear Charlie,

Apologies for the delay.

My objection is on the grounds of the impact of amenity for neighbours.

OFFRPT

Kind Regards,

Cllr Jacqui Simon
Labour
Woodingdean
(she/her)



From: Charlie Partridge <Charlie.Partridge@brighton-hove.gov.uk>
Sent: 09 February 2026 11:48
To: Cllr Jacqui Simon <Jacqui.Simon@brighton-hove.gov.uk>
Cc: Cllr Jacob Allen <Jacob.Allen@brighton-hove.gov.uk>
Subject: RE: BH2025/01026

Dear Councillor Simon,

Could you please confirm the specific reason for your objection?

I will need to get the process started by Wednesday if we are taking this to March committee.

Many thanks

Kind Regards,

Charlie Partridge | Planning Officer | Development Management
Directorate of Place
1st Floor, Hove Town Hall, Norton Road, BN3 3BQ
T 01273 292205 | M 07394414451 | www.brighton-hove.gov.uk

Please note my working days are Monday – Wednesday and Friday.

Our customer promise to you
We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: Charlie Partridge
Sent: 16 January 2026 16:01
To: Cllr Jacqui Simon <Jacqui.Simon@brighton-hove.gov.uk>; Cllr Jacob Allen <Jacob.Allen@brightonhove.gov.uk>

OFFRPT

Subject: RE: BH2025/01026

Dear Councillor Simon,

Could you please confirm the specific reason for your objection?

Also Councillor Allen could you confirm if you also object?

Kind Regards,

Charlie Partridge | Planning Officer | Development Management
Directorate of Place

1st Floor, Hove Town Hall, Norton Road, BN3 3BQ

T 01273 292205 | M 07394414451 | www.brighton-hove.gov.uk

Please note my working days are Monday – Wednesday and Friday.

Our customer promise to you

We will make it clear how you can contact or access our services | We will understand and get things done | We will be clear and treat you with respect

From: Cllr Jacqui Simon <Jacqui.Simon@brighton-hove.gov.uk>

Sent: 12 January 2026 19:43

To: Charlie Partridge <Charlie.Partridge@brighton-hove.gov.uk>; Cllr Jacob Allen <Jacob.Allen@brightonhove.gov.uk>

Subject: RE: BH2025/01026

Dear Charlie,

I would still like to object to this planning application and call it into committee.

Many thanks,

Cllr Jacqui Simon
Labour
Woodingdean
(she/her)



EMPLOYER RECOGNITION SCHEME

SILVER AWARD

Proudly supporting those who serve.

OFFRPT

