

<u>No:</u>	BH2024/03142	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	87 Hove Park Road Hove BN3 6LN		
<u>Proposal:</u>	Roof alterations including replacement of the roof, erection of 3no new proposed dormers to roof, 2no to the side and 1no to the rear and associated alterations.		
<u>Officer:</u>	Matthew Gest tel: 01273 292525	<u>Valid Date:</u>	13.03.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08.05.2025
		<u>EOT:</u>	15.07.2025
<u>Agent:</u>	Mr Dave Williams 8 Bembridge Crescent Southsea Southampton PO4 0QU		
<u>Applicant:</u>	C/O Willow Design and Architecture 87 Hove Park Road Hove Brighton & Hove BN3 6LN		

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
Report/Statement	Bat Emergence Survey Report		17-Nov-25
Location and block plan	2086-100		13-Mar-25
Proposed Drawing	2086-002A		13-Mar-25
Proposed Drawing	2085-004A		13-Mar-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. 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, DM21 and CP12 of City Plan.

4. The east facing side dormer window and the northern most window in the west facing dormer window of the development hereby permitted shall not be glazed otherwise than with obscured glass up to 1.7m from floor level in the room in which the window is located and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

5. Prior to the installation of any air source heat pump(s) details of the Microgeneration Certification Scheme (MCS) 020 assessment shall be provided to the LPA for approval. Where the MCS020 assessment does not meet the noise criteria set out then full details of the proposed unit(s) and details of anti-vibration mounts and other noise attenuation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and thereafter maintained as such.
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.

6. All ecological measures and works must be carried out in accordance with the recommendations in the Bat Emergence Survey Report (Elite Ecology, October 2025), submitted on the 12/1/2026, unless said measures are altered through a valid Bat Mitigation Licence (required through Natural England Development Licence) which would then take precedence.
Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to protect species and habitats from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended and in accordance with 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

7. Noise associated with plant and machinery incorporated within the development 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

8. 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

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. **Bats**

The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control or transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.

3. **Birds**

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

4. **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 legislation.

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.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Brighton & Hove City Council.

2. **SITE LOCATION**

- 2.1. The planning application relates to a two-storey detached dwelling on the northern side of Hove Park Road. This area of Hove is characterised by

substantial detached dwellings of various styles, materials and form. Properties are generally set back sufficiently from the public highway and are set within relatively generous plots with sizeable rear gardens.

3. RELEVANT HISTORY

- 3.1. **BH2019/03764** Erection of a single storey rear extension. Approved 13/3/2020

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for roof alterations including the replacement of the existing roof and it's tiling with clay tiles, the erection of two dormer windows to the side and one dormer window to the rear and associated alterations. The dormers are proposed to be finished in clay tiles to match the new replacement roof of the dwelling.
- 4.2. The description of the development was amended during the application consideration process to reference the replacement of the roof tiles and additional consultation was undertaken.
- 4.3. The site has been the subject of Bat Emergence Studies and a subsequent Bat Emergence Survey Report has been submitted during the application process.

5. REPRESENTATIONS

- 5.1. In response to publicity, responses were received from **Eight** (8) individuals, objecting to the application and raising the following issues:
- Detrimental impact on property value
 - Inappropriate height of the development
 - Poor design / out of character with the area
 - Noise
 - Overdevelopment
 - Overshadowing
 - Restriction of view
 - Loss of Privacy
 - Light pollution
 - Increased sense of enclosure/ overbearing impact
 - An air source heat pump is being proposed
 - Concerns over publicity and neighbour notification
 - Unwanted precedent being set
 - Building works have commenced then suspended
 - Concerns relating to bats, works commenced without the relevant safeguards in place
- 5.2. Full details of representations received can be found online on the planning register.

6. CONSULTATIONS

6.1. **Ecology** No objection

The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.

6.2. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

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
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Document:

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 proposed alterations and whether they would have a detrimental impact on neighbouring amenity. The impact of the proposal on biodiversity and ecology also requires consideration.

Background

- 9.2. The proposal includes a replacement of the roof of the property and the addition of three dormer windows. The main roof of the property would be replaced in a like-for-like basis with clay tiles. It is understood that work commenced on site, before construction being suspended. The site is currently fully scaffolded and shrouded and the extent of the works which have been undertaken to date has not been established.

Design and Appearance

- 9.3. The proposed development relates to the roof of the property and includes a complete replacement roof and three new dormer windows. The main roof of the property would be replaced and re-constructed to match the existing. Although the style of properties varies in Hove Park Road, hip roofs are generally characteristic of the area, and the proposal does not seek to change the main profiles. The only change in the profiles of the roof would come from the proposed dormer windows, two of which are proposed for each side elevation, and one of which is proposed for the rear elevation of the property.
- 9.4. The side dormer windows would be visible from Hove Park Road. Owing to the generous spacing between the properties in this section of Hove Park Road, the side roof slopes are readily visible from vantage points along the road. The dormers would give the roof of the property a more developed appearance, however, the side roofslopes are set behind the front gable projection. As a result, the side dormers would not be unduly dominant when viewed in the context of the substantial front elevation of the house.
- 9.5. The side dormer windows are considered to be appropriately designed being suitably set away from the eaves and down from the roof ridge. They would not dominate the side roof slopes and be of an appropriate scale and positioning. The dormer glazing is considered appropriately proportioned and would ensure that the cladding, which would be tile hanging, would not give rise to a bulky appearance. The design of the windows would replicate those at ground and first floor level.
- 9.6. The proposed rear dormer is considered to be an acceptable scale. Being set away from the ridge, eaves and side roof slopes, the works would still allow for the appreciation of the original rear roof slope. Again, the glazing is considered

to be an acceptable design, and the works would not give the rear of the property an overdeveloped appearance.

- 9.7. Representations received regarding the design of the works are noted, however the property would retain its characteristic hipped roof profiles. Furthermore, the scale of the existing roof is such that none of the proposed dormers are considered to dominate the existing roof profiles.
- 9.8. In regard to setting a design precedent, various roof extensions are visible in the immediate vicinity of the site, and whilst side dormer windows are not prevalent in Hove Park Road, the works would not give an overdeveloped appearance and would cause no harm to the character and appearance of the area. For the reasons outlined above, the overall design approach is considered acceptable.

Impact on amenity

- 9.9. Policy DM20 of City Plan Part 2 states that planning permission for any development or change of use will not be granted where it would cause unacceptable loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.10. The works proposed would be contained in the roof of the property and therefore away from the principal windows in ground and first floor of neighbouring properties and would cause no harmful impacts in terms of overbearing or loss of outlook.
- 9.11. The works would however be readily visible from neighbouring properties, and would give a more developed appearance to the site particularly when viewed from the existing roof windows of adjoining dwellings in Hove Park Road. Despite the close proximity to these roof windows, no significant harm in outlook would occur.
- 9.12. In regard to impacts on privacy, the rear dormer window would provide elevated and extended views to the rear of the site and rear gardens. Whilst additional views of neighbouring gardens, beyond the existing views from the first floor rear windows, may be achieved the overall relationship would not be unusual for a suburban location and the degree of harm is not considered to be significant.
- 9.13. No. 89 Hove Park Road, to the west, has a side gable window at roof level which faces the application site. Whilst the proposed dormer window on the west elevation would be located close to this window, the direct line of sight would be above this window and therefore no significant loss of privacy would result.
- 9.14. No.85 Hove Park Road to the east has a rooflight facing the application site. The eastern dormer window would provide outlook towards this skylight. The proposed eastern dormer window would be set slightly further to the rear than the roof light and this would avoid a direct line of sight to the rooflight.
- 9.15. There is some concern that the two side dormers would create new elevated views of the garden areas immediately adjacent to the rear of the dwellings either side. Given that these areas are considered to be the most sensitive a condition

is recommended to ensure that the windows are obscure glazed up to 1.7m from floor level in order to prevent any harmful loss of privacy.

- 9.16. The proposed dormers dormer would not cause any harmful impact in terms of loss of daylight/sunlight or loss of outlook. The roof extensions would not raise the height of the roof of the property and would not cause a loss of sunlight or overshadowing to neighbouring properties. Due to the close proximity of the dormer on the western elevation, to the gable window on the side elevation of no.89 Hove Park Road, there could be a minimal degradation of light to this window however the impact would not be so significant as to warrant refusal of the application. The roof light on 85 Hove Park Road would not be demonstrably impacted by the proposed eastern dormer.
- 9.17. In regard to noise and disturbance, the plans annotate that a new air conditioning plant and an Air Source Heat Pump (ASHP) would be housed in an existing shed in the rear garden. Representations made on the application indicates this shed has now been demolished. This has not been clarified by the applicant. As a domestic installation, it is not considered that air conditioning plant or ASHP, would likely cause any harmful noise and disturbance to adjoining residents. There are however regulatory planning conditions for noise generating equipment which are suggested in the event of an approval. This would minimise any potential for noise and disturbance.
- 9.18. The provision of a new outbuilding to contain plant and machinery does not form part of this application.

Standard of Accommodation

- 9.19. The proposed development would extend the existing roofspace accommodation. It would provide a studio, study and gym area with a bathroom facility. This would involve the loss of the existing second floor bedroom. Four double bed spaces would be retained at first floor level but no concerns are held in regards to the standard of accommodation provided. The proposal would comply with policy DM1 of the Brighton and Hove City Plan Part Two.

Transport and Highways

- 9.20. There is unlikely to be a significant increase in trips to and from the site as a result of the proposed development. The development would not include any changes to the access of the property from the highway.

Ecology and Biodiversity

- 9.21. The development would not extend the footprint of the property and would not impact adjacent trees.
- 9.22. The application has been supplemented by a Bat Emergence Survey Report (BESR October 2025). Three Bat Emergence Studies were carried out in June, July and September 2025. The building was found to support day roosts of whiskered bats, with egress points recorded on both the southern and northern elevations. The BESR makes a number of recommendations to minimise the impact of the development on bats. This includes but is not limited to the timing

of demolition/construction, ecologist supervision, provision of a bat box for any translocation, and provision of bat and bird boxes post-construction.

- 9.23. This study has been reviewed by the County Ecologist who raise no objection to the development. The works will lead to destruction and disturbance of confirmed bat roosts, a licence will be required from Natural England, with appropriate mitigation and compensation agreed, before any works which may impact bats / their roosts commence. The mitigation and compensation measures are contained in the BERS, will also be subject to agreement from Natural England during the licence process.
- 9.24. As recognised in the representations received, works on the roof did commence, although the extent of the works has not been documented. It is acknowledged that this may have impacted bat roosts. This is clearly regrettable. The works were paused and have now allowed for robust studies to be undertaken, and suitable recommendations to be made. Subject to compliance with the suggested conditions it is considered no unmitigated harm to protected species would result.
- 9.25. 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. The 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.
- 9.26. The proposal is considered to be 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.

Other Considerations/ Matters raised in representation

- 9.27. Loss of property value is not a material consideration for a household planning application. Loss of view is not a material planning consideration for this development, however the impact on the outlook from neighbouring properties has been fully considered in this report.
- 9.28. The development is for a domestic extension, and light and noise pollution from the occupation of second floor rooms would not be an issue in these situations. The application site would remain in domestic use.
- 9.29. In regard to neighbour consultations, this was reviewed in the course of the application and additional notifications have been made. The extent of the consultation has been undertaken in line with current practice.

Conclusion

- 9.30. The proposed development is considered to be an acceptable design which would not harm the design and appearance of the property, or the wider area. Subject to the recommended conditions there would be no significant impact on neighbouring properties, site habitats or biodiversity.

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.

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 would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.