

23C Shirley Drive
BH2025/00500

1st April 2026



Brighton & Hove
City Council

Application Description

Planning permission for the erection of a two-storey detached dwelling with basement (part-retrospective).

Background

Application seeks to partly regularise the development which has been constructed on-site, as the house was not built in accordance with the previous permission for a dwelling here (BH2020/01319). Additional changes are also now proposed.

Following previous unsuccessful negotiations with LPA, Enforcement Notice issued for demolition of development (and this remains extant).

New applicant now seeks a revised scheme to improve the construction which has been undertaken. The application is a therefore part-retrospective.

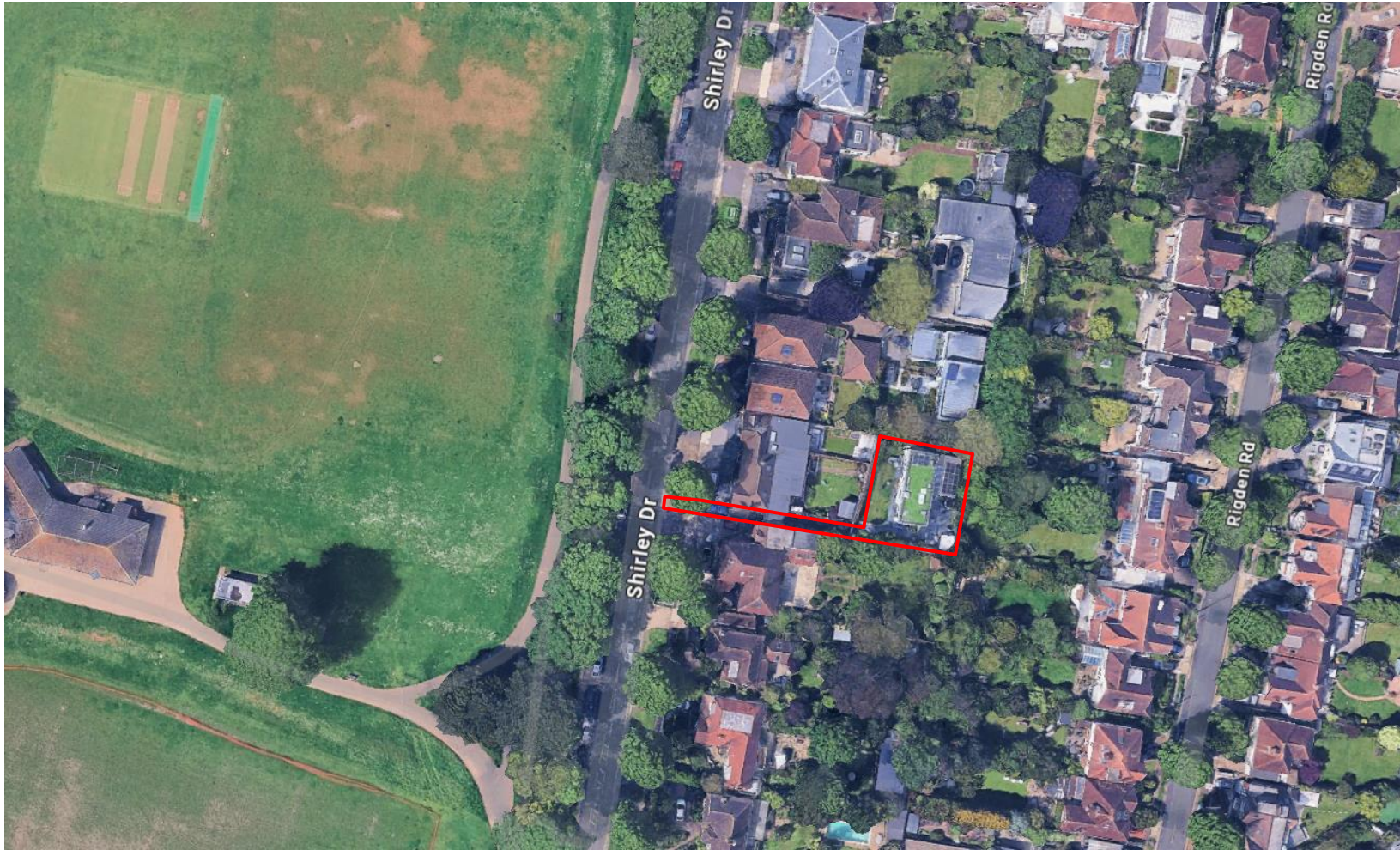
The key changes between the previously approved application, and the development in this application can be summarised below:

- ▶ Construction of basement accommodation (with further proposed changes to lightwells/layout)
- ▶ 4 bedrooms proposed (instead of 3)
- ▶ Changes to window, door and porch arrangement
- ▶ Change in materials from brick and panelling to white render
- ▶ Proposed green roof to replace artificial grass roof
- ▶ Issues identified with vehicular access (due to tree); separate highways consent needed for access

Existing and 'as built' Location Plan



Aerial Photo of Site



3D Aerial Photo of Site



Street photo showing access to 23C Shirley Drive (to the rear) via the driveway between 21 and 23 Shirley Drive



Driveway

View out from Driveway showing location of existing street tree (elm)



Front elevation of dwelling 'as built'



Front elevation of dwelling 'as built' and front garden



Rear patio garden



View of rear garden (to south east)



View of front garden and boundary to 23 Shirley Drive



Gap between side of property and side boundary to 25B Shirley Drive



'As previously approved' Site Plan



Proposed Site Plan

99



529200m
Site Bloc
1:500

Site Plan as Proposed
1:100

As approved elevations

The drawing has been created from survey drawings by a third party surveyor and by using publicly available information. There may be areas where access is required and further investigation will be required prior to developing the final design. This drawing is for planning purposes only and all dimensions are to be checked on site. Drawing based on current planning approval ref: 20/02001/01/19



Front Elevation (West)

1 : 100

67



Rear Elevation (East)

1 : 100



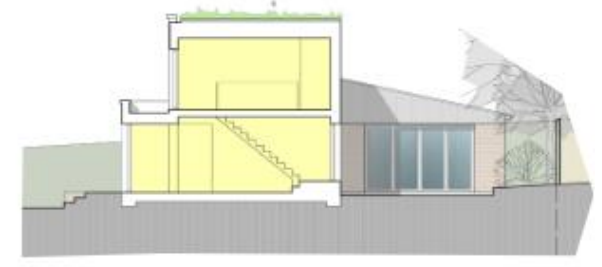
Side Elevation (South)

1 : 100



Side Elevation (North)

1 : 100

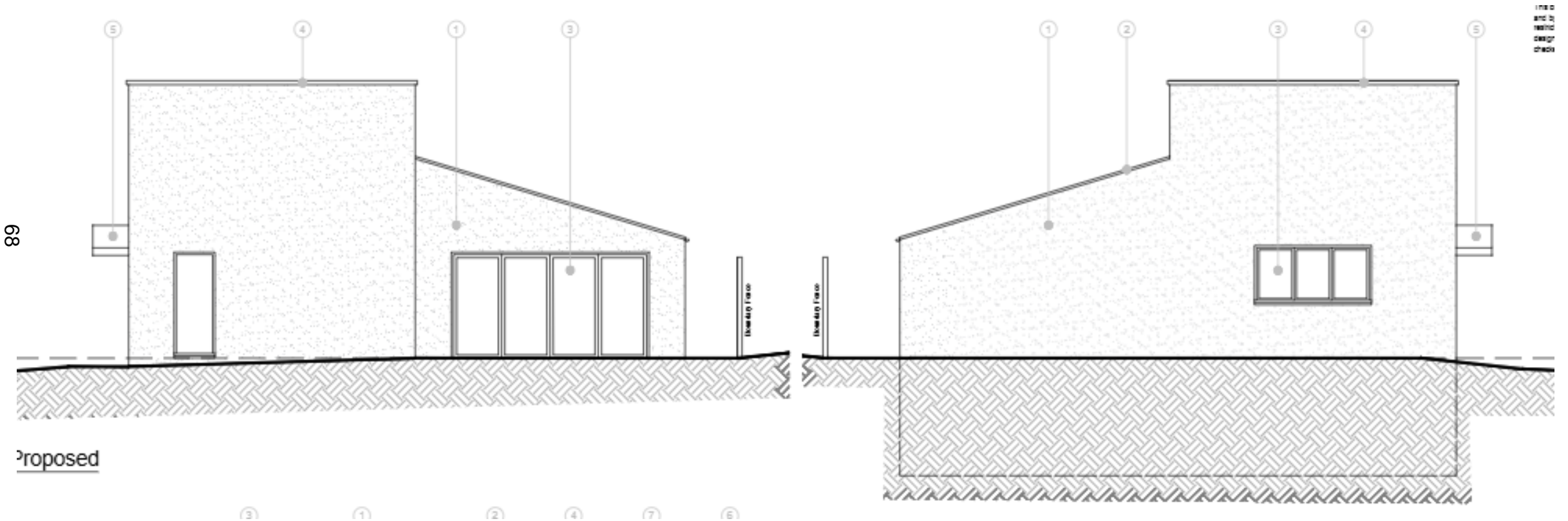


Section A-A

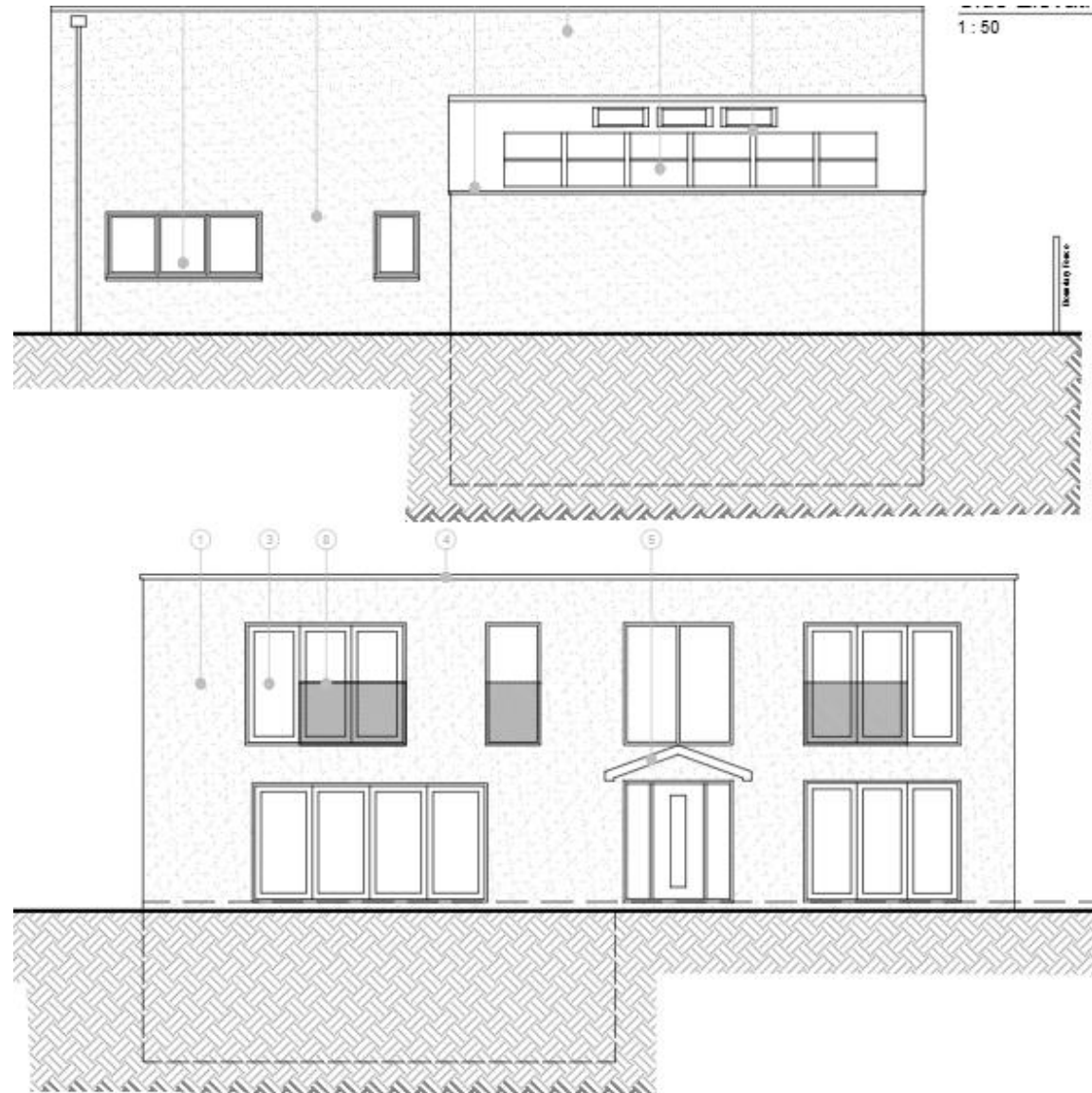
1 : 100



Proposed side elevations (south and north)



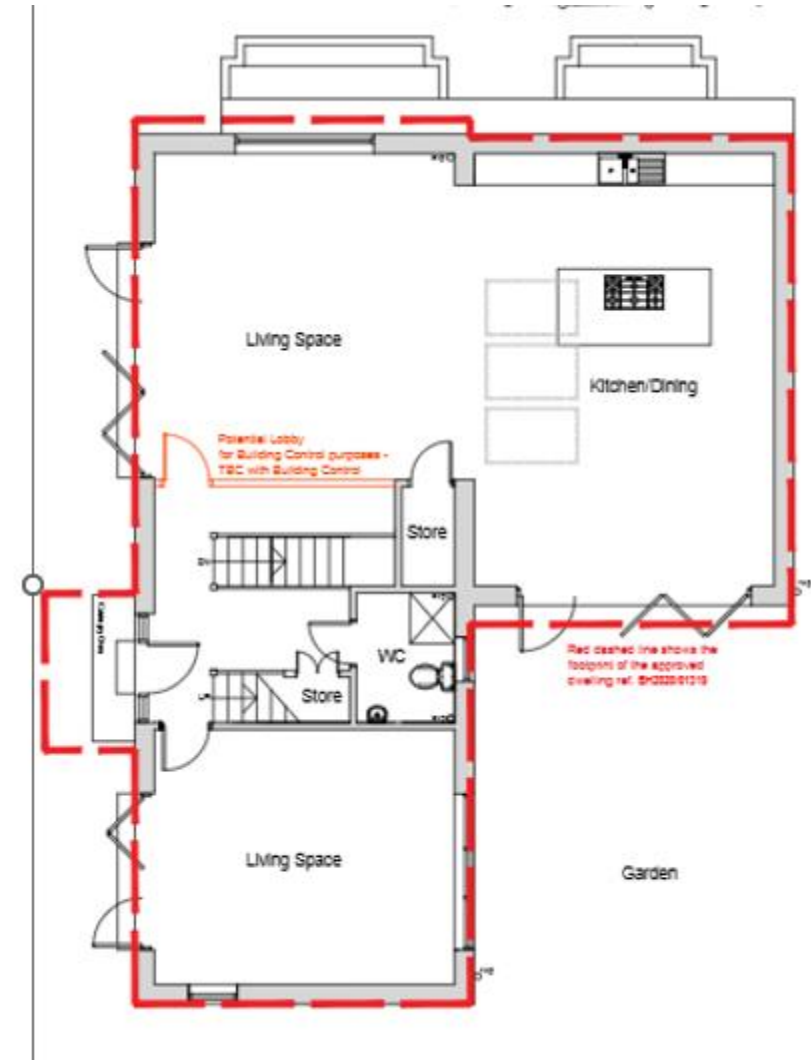
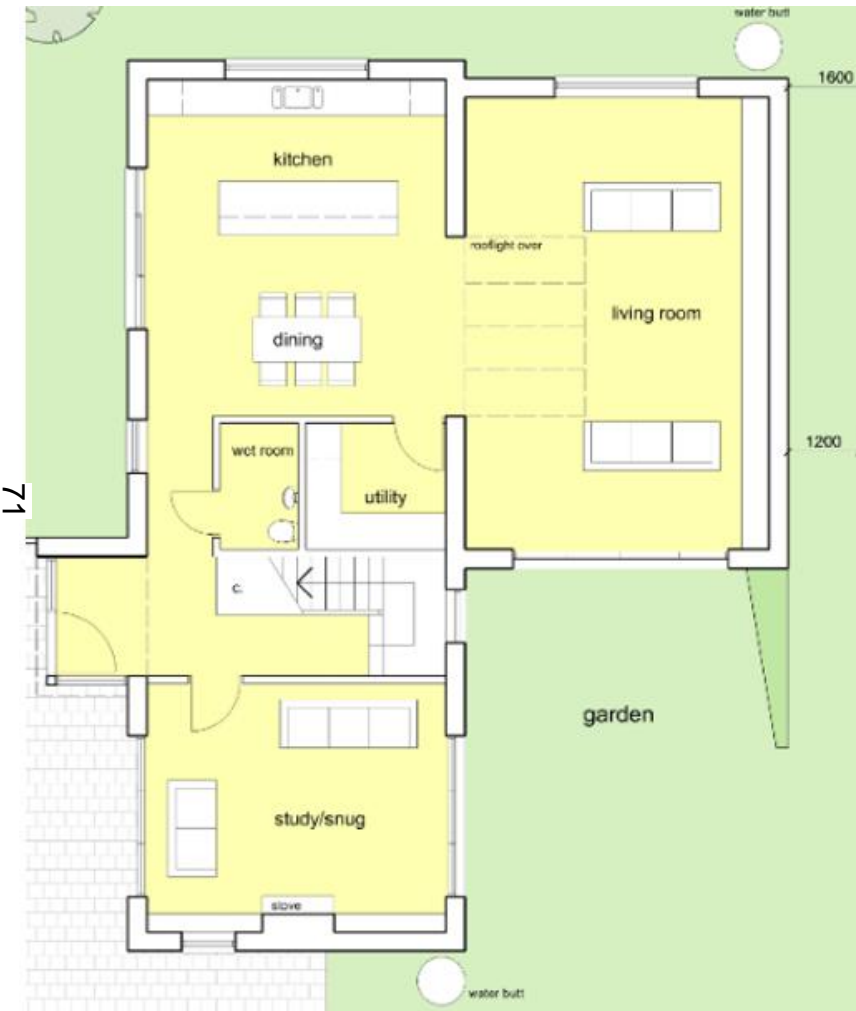
Proposed rear and front elevations (east and west)



Elevations as approved/as built comparison

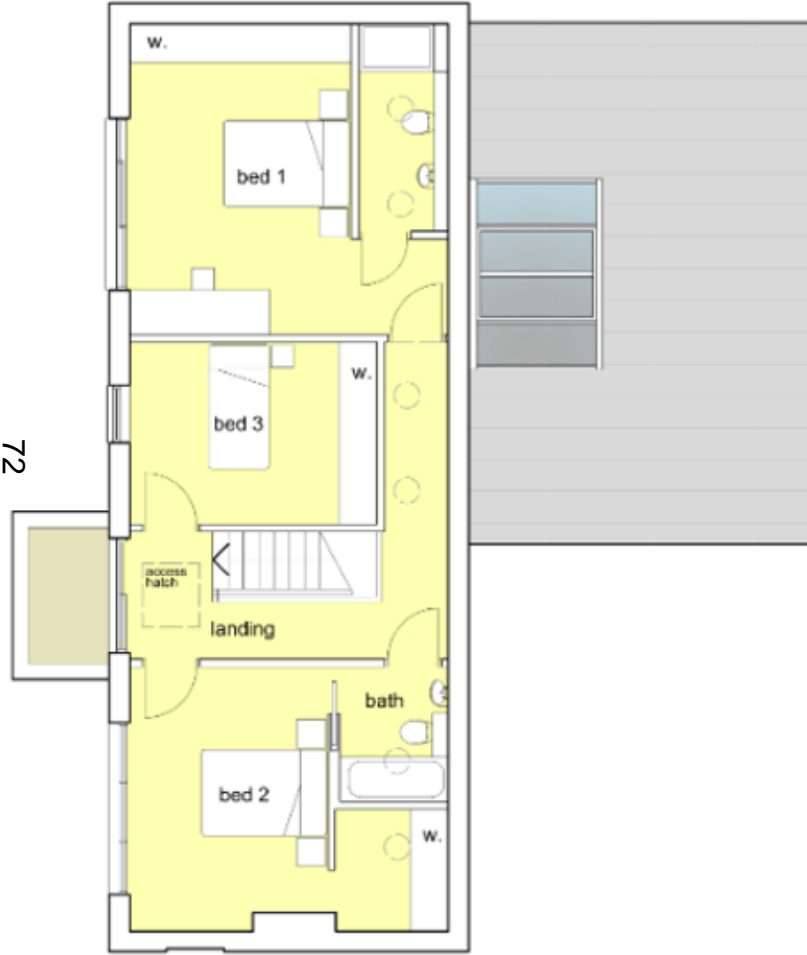


Ground Floor Plan: as approved, as built and proposed

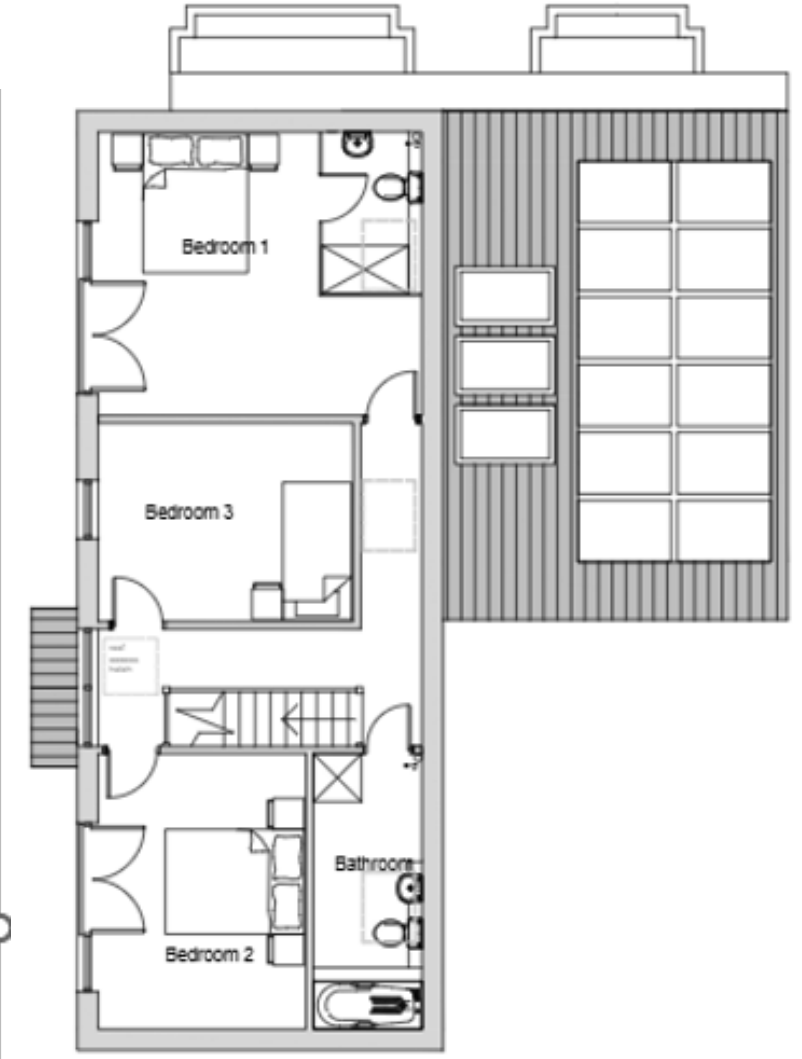


First Floor Plan: as approved, as built and proposed

72

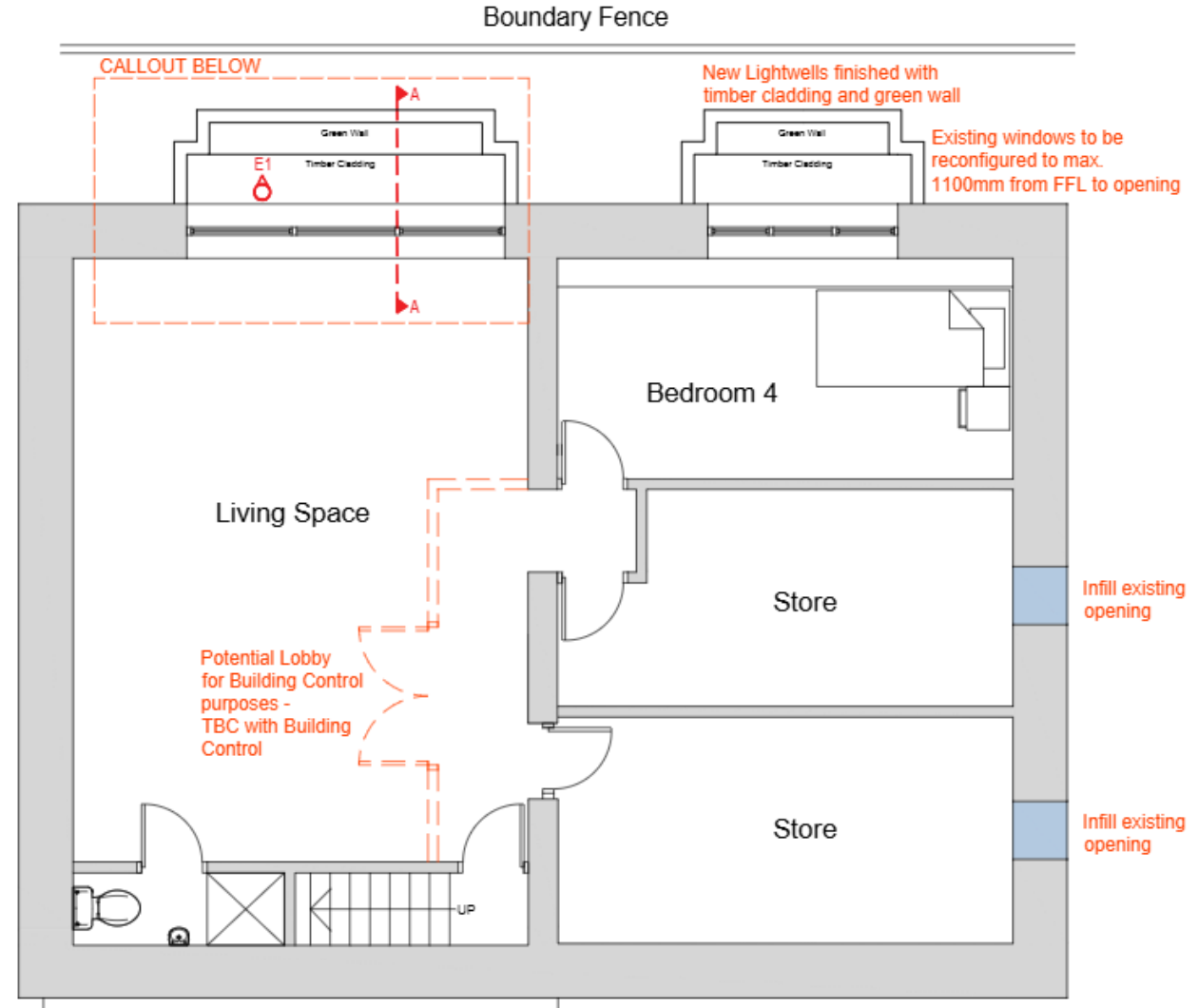
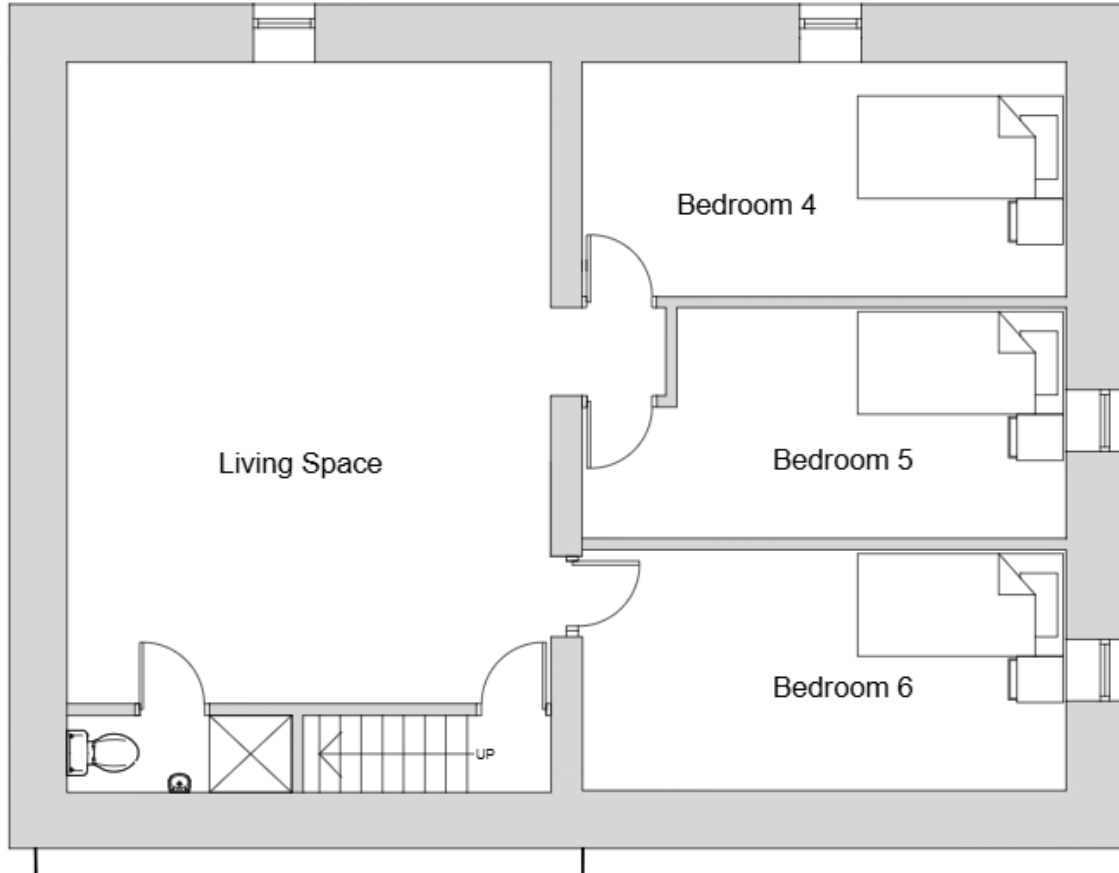


First Floor Plan as Built
1:50

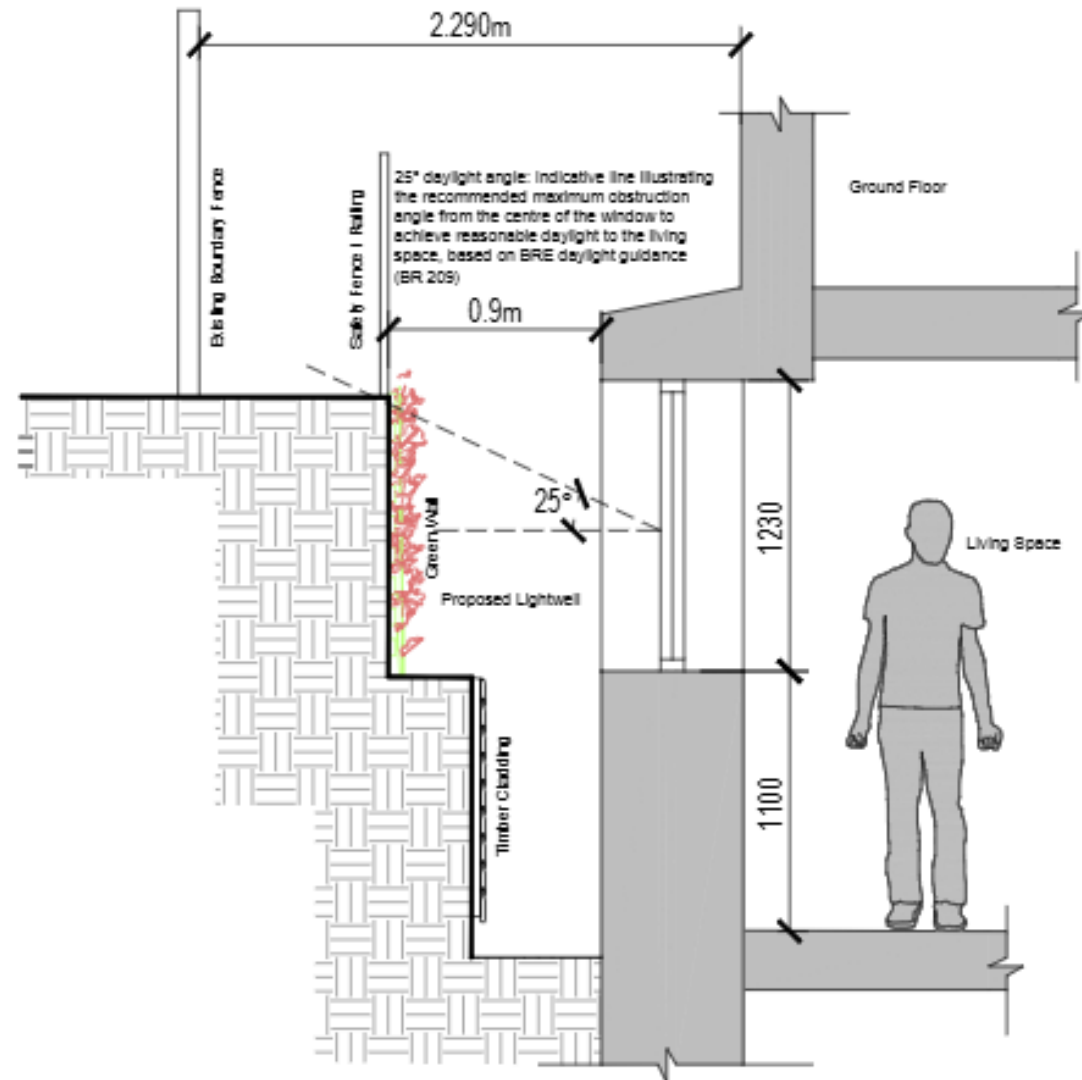


Basement Floor Plan: as built and proposed

73



Proposed lightwell section to basement living area



Lightwell Section A-A as Proposed

1 : 20

Representations

Ten (10) letters of representation received objecting for following reasons:

- ▶ Approval would set an unwanted precedent / lack of enforcement of planning / house is unauthorised/contrary planning laws and should be demolished
- ▶ Overdevelopment and loss of garden space
- ▶ Poorly constructed
- ▶ Poor design / out of character
- ▶ Impact trees, wildlife, ecology not fully considered
- ▶ Impact to amenity/Loss of light/Overbearing/inappropriate height
- ▶ Air quality
- ▶ Access, Highways and Traffic issues
- ▶ Does not meet Code for Sustainable Homes
- ▶ Similar development refused at 19 Shirley Drive

Key Considerations

- ▶ Principle of dwelling
- ▶ Design and appearance
- ▶ Impact on neighbouring properties
- ▶ Standard of accommodation for future occupiers
- ▶ Transport/highways Issues
- ▶ Trees, ecology and landscaping
- ▶ Sustainability

Conclusion and Planning Balance

- ▶ Principle of dwelling on site previously established
- ▶ Scheme would make a minor, but welcome, contribution to the Council's housing targets through a family dwellinghouse; weight given in planning balance (NPPF)
- ▶ Standard of accommodation would be improved (larger lightwells, amended layout), and when taken with standard of dwelling as a whole, is satisfactory overall. The use/layout of the basement to be conditioned to be carried out and retained
- ▶ The area has precedent of backland development; acknowledgment design is of lesser quality but overall simple contemporary approach similar to previous scheme, use of white render acceptable (other examples in area); not seen in main public realm
- ▶ No significant impacts on neighbouring amenity (similar scale/footprint)
- ▶ Scheme would be sustainable and include biodiversity enhancement/landscaping condition
- ▶ Not fully established whether vehicular access to the site can be successfully achieved due to proximity of an adjacent tree, however this would be considered separately by the Highway Authority, and its delivery is not necessary to achieve an acceptable residential scheme overall - as car-free acceptable/sufficient parking capacity in area.
- ▶ Overall, the dwelling (as now revised) would accord with national and local policy and guidance, and weight is given to housing delivery, and this application is recommended for **approval** subject to the recommended conditions.

