

<u>No:</u>	BH2026/00158	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	8 Windmill Drive Brighton BN1 5HG		
<u>Proposal:</u>	Creation of first floor with balcony within new roof extension, erection of single storey side extension with undercroft garden store, creation of new rear terrace and revised fenestration.		
<u>Officer:</u>	Oliver Redmond, tel:	<u>Valid Date:</u>	26.01.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	23.03.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	13.05.2026
<u>Agent:</u>	Daintree Design 8WG	Daintree Design PO Box 5584 Brighton BN50	
<u>Applicant:</u>	Mr And Mrs Sheldon 8 Windmill Drive Brighton BN1 5HG		

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	D2525-100		26-Jan-26
Location and block plan	D2525-150		26-Jan-26
Proposed Drawing	D2525-250		26-Jan-26
Proposed Drawing	D2525-251		26-Jan-26
Proposed Drawing	D2525-350		26-Jan-26
Proposed Drawing	D2525-351		26-Jan-26

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. Prior to first occupation of the development hereby approved, two integrated swift boxes and one integrated bee brick shall be installed within the external fabric of the building. The enhancements shall thereafter be retained.

Reason: To conserve and enhance biodiversity and contribute to the city's ecological network, in accordance with Policy CP10 of the Brighton & Hove City Plan Part One, Policy DM37 of the Brighton & Hove City Plan Part Two and SPD11 Nature Conservation & Development.

4. Notwithstanding the details on the drawings hereby approved, the ground floor raised terrace hereby approved shall not be first brought into use until a solid/opaque privacy screen of 1.8 metres in height from terrace floor level on

the full length of the western and eastern boundary of the terrace is installed. The screens shall thereafter be retained and maintained in perpetuity.

Reason: To protect the amenity of neighbouring occupiers, to comply with Policies DM20 and DM21 of the Brighton and Hove City Plan Part Two.

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.

1. SITE LOCATION

- 1.1. The application site comprises a detached bungalow dwelling located on the southern side of Windmill Drive, Brighton. The surrounding area is characterised by detached residential properties set within generous plots with well-planted rear gardens and mature vegetation. Development along Windmill Drive is varied in form, with many properties originally constructed as bungalows but subsequently altered or extended to provide accommodation within roof spaces or additional storeys. Directly neighbouring the site on the western side is a two-storey property with a single storey bungalow on the eastern side. The street-scene features a mix of materials of predominantly brick, render and cladding.
- 1.2. The site occupies a sloping plot which falls away from the road toward the rear garden, providing elevated views. The property sits toward the edge of the built-up area of Brighton with the boundary of the South Downs National Park and the Green Ridge & Coney Wood Local Wildlife Site located immediately opposite the site.

2. RELEVANT HISTORY

None identified.

3. APPLICATION DESCRIPTION

- 3.1. The proposal seeks to remodel the existing bungalow to provide additional accommodation within the roof space, together with associated extensions and external alterations.
- 3.2. The alterations incorporate an increase in the roof height by 1.9m to form a first floor, the introduction of a rear balcony enclosed within the rear gable which would extend 2.5m to the rear beyond the existing, a single storey side extension replacing the existing garage and alterations including a ground floor rear terrace within the extended rear gable. Changes to fenestration are also proposed, including the introduction of new window openings and replacement windows.

- 3.3. The proposed materials are for white render to the main dwelling, timber effect cladding internally within the rear gable and for anthracite/black windows and doors.

4. REPRESENTATIONS

- 4.1. In response to publicity, responses were received from three (3) individuals, objecting to the application and raising the following issues:
- Overlooking and loss of privacy to neighbouring rear gardens from the proposed balcony and terrace.
 - Concern that the elevated position of the property would increase overlooking.
 - Impact on neighbouring outlook and residential amenity.
 - Concern regarding the scale and height of the proposed roof alterations.
 - Detrimental impacts on local wildlife.
- 4.2. **Councillor Ivan Lyons** has objected to the development. A copy of this representation is appended to this report.
- 4.3. Full details of representations received can be found online on the planning register.

5. CONSULTATIONS

None.

6. MATERIAL CONSIDERATIONS

- 6.1. 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.
- 6.2. 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).

7. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable Transport
CP10	Biodiversity
CP12	Urban Design
SA5	The Setting of the South Downs National Park

Brighton & Hove City Plan Part Two:

DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM37	Green Infrastructure and Nature Conservation

Supplementary Planning Documents:

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

8. CONSIDERATIONS & ASSESSMENT

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

Design and Impact on Character of the Area

- 8.2. The surrounding area is characterised by detached residential properties set within large plots with a varied architectural character. While many properties along Windmill Drive are bungalows, several have been extended or altered to provide additional accommodation within roof spaces or additional storeys. Immediately neighbouring the site on the western side is a two-storey property with a single storey bungalow on the eastern side.
- 8.3. The proposal would increase the overall height of the ridge by approximately 1.9m in elevation to allow accommodation within the roof space while retaining the existing eaves level and front and rear gabled design. This approach limits the perceived bulk of the development and avoids the appearance of a full additional storey.
- 8.4. In considering the acceptability of the proposed increase in height, it is noted that the neighbouring property to the west is a substantially larger two-storey dwelling. In this context, the proposed development would sit between properties of differing scale and would not appear incongruous within the street scene and would still provide a visual transition from the taller western property to the smaller eastern neighbouring dwelling.

- 8.5. It is noted that many properties along Windmill Drive are single storey in appearance and that the introduction of an additional storey has the potential to alter the established character of the area if undertaken excessively. However, the acceptability of the current proposal arises from the particular circumstances of this site, including its position adjacent to a larger neighbouring dwelling and the varied scale of development along this part of the street. As such, the proposal would not establish a general precedent for similar enlargements elsewhere along Windmill Drive and in this context the proposal is not considered harmful to the streetscene.
- 8.6. The materials proposed are render for the exterior walls with timber effect composite cladding for the internal elements of the rear gable. Black/anthracite UPVC is proposed for the windows and doors. Whilst the use of darker window frames represents a more contemporary intervention when compared to the traditional palette of the area, it is noted that similar treatments are evident within the wider street, including Nos. 20, 22, 24 and 30 Windmill Drive. In this context the proposed materials would not appear incongruous and are considered to integrate acceptably with the varied character of the surrounding area.
- 8.7. A single storey side extension is also proposed which would replace the existing garage. The overall scale would be similar to the existing garage when viewed from the streetscene and would remain visually subordinate to the host dwelling. To the rear of the site the land level drops so that the side extension would appear as 1.5 storeys at the rear, however from the street-scene the side extension would appear similar in scale to the existing attached garage and would not cause any visual harm.
- 8.8. Overall, the scale, form and appearance of the proposal are considered appropriate and are not considered to cause harm to the character or appearance of the property, or the wider surrounding area, including the setting of the South Downs National Park. The proposal therefore accords with Policies SA5 and CP12 of the Brighton & Hove City Plan Part One and Policies DM18 and DM21 of the Brighton & Hove City Plan Part Two.

Impact on Neighbouring Amenity

- 8.9. The remodelled roof and rear gable would extend 2.5m to the rear further than the existing. Within the extended gable would be a first-floor balcony which would be enclosed within the gable and a ground floor raised terrace would also be incorporated underneath the extended roof form.
- 8.10. Objections have been received raising concerns regarding potential overlooking from the proposed first floor balcony and terrace toward properties located to the rear.
- 8.11. It is noted that a degree of mutual overlooking between neighbouring rear gardens already exists within this suburban context, particularly from the neighbouring property at 6 Windmill Drive and also given the sloping topography and stepped garden arrangements along Windmill Drive.

- 8.12. The rear garden of the application property measures approximately 20 metres in depth from the rear elevation of the dwelling to the boundary fence. The distance from this boundary to the rear elevations of the properties beyond is approximately a further 20 metres, resulting in an overall separation distance of around 40 metres between facing buildings.
- 8.13. While the proposed balcony would introduce an elevated viewing point toward neighbouring gardens at the rear, these substantial separation distances, combined with existing boundary fencing would significantly mitigate the degree of direct overlooking. Given these separation distances, the proposal would not materially increase overlooking to a degree that would result in demonstrable harm to neighbouring amenity.
- 8.14. The ground floor terrace would sit mostly underneath the footprint of the extended rear roof. The positioning of the properties and change in land levels is such that the ground floor terrace would create an elevated ground floor amenity terrace and, as a result of the side extension would provide views back towards the neighbouring properties at 6 and 10 Windmill Drive. A privacy screen is included on the proposed drawings to the eastern side which would mitigate the impact towards number 10 Windmill Drive however it is also considered desirable and necessary to secure a privacy screen to the western side of the terrace also in order to protect and preserve neighbouring amenity to the west. A condition requiring details and the provision of a 1.8m screen prior to first use of the terrace is therefore recommended.
- 8.15. The proposed side extension would also incorporate side facing windows towards the western property at 6 Windmill Drive. It is noted that side facing windows already exist on the west facing elevation and whilst the positioning of the new windows would be closer to the neighbouring property as a result of the side extension it is noted that there is already a degree of mutual overlooking from the side facing windows and the impact of the additional fenestration is not considered to be harmful to neighbouring amenity.
- 8.16. The proposal rear extension would be modest in depth with the additional height, hipped away from the adjoining properties to the side. The proposed extension would also be set away from the side boundary and as such the proposal is not considered to result in any significant loss of outlook or an overbearing or enclosing impact to neighbouring properties. Similarly, there would not be any significant overshadowing or loss of light to the neighbouring properties.
- 8.17. Subject to the recommended condition to provide suitable privacy screens to the side boundaries of the ground floor terrace prior to first use, there would be no demonstrable harm to neighbouring occupiers over and above the existing situation that would warrant refusal of the application. The proposal is therefore considered to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

Biodiversity and Nature Conservation

- 8.18. Objections have been received raising concerns regarding impacts on nature conservation, having regard to the site's proximity to the South Downs National Park and the Green Ridge & Coney Wood Local Wildlife Site, as well as the potential for wildlife to be present within residential gardens.
- 8.19. Policy DM37 of the Brighton & Hove City Plan Part Two requires development to avoid adverse impacts on biodiversity and to have regard to the mitigation hierarchy. The supporting text to Policy DM37 also recognises that green infrastructure includes residential gardens and that low-cost measures such as swift boxes and bee bricks should be incorporated where possible. SPD11 further confirms that urban environments can provide nesting and roosting opportunities for species including birds and bats and that biodiversity impacts are a material consideration.
- 8.20. In this instance, the proposal comprises extensions and alterations within the residential curtilage of an existing dwelling. No works are proposed within the adjacent designated sites, and the site is separated from these areas by the public highway. The development would not require the removal of trees and would not result in the loss of any designated habitat. Based on the submitted information, the proposal is not considered likely to result in unacceptable direct or indirect impacts on biodiversity or the integrity of designated sites. Subject to the recommended biodiversity enhancement condition the development is considered to accord with Policy CP10 of the Brighton & Hove City Plan Part One and Policy DM37 of the Brighton & Hove City Plan Part Two, having regard to SPD11.
- 8.21. Based on the information available, this proposal would not require the approval of a biodiversity gain plan before development is begun because householder applications are exempt from the mandatory biodiversity net gain requirement.

9. EQUALITIES

- 9.1. 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.
- 9.2. Officers considered the information provided by the applicant, together with the responses from consultees and 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.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1. 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.