

<b><u>No:</u></b>	<b>BH2026/00064</b>	<b><u>Ward:</u></b>	<b>Hollingdean &amp; Fiveways Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>165 Hollingdean Terrace Brighton BN1 7HF</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing garage and erection of 1no two-bedroom dwelling to rear (use class C3) with access via Harrington Place.</b>		
<b><u>Officer:</u></b>	Oliver Redmond, tel:	<b><u>Valid Date:</u></b>	17.02.2026
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	14.04.2026
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	12.06.2026
<b><u>Agent:</u></b>	LRA Retinue Limited 24 Windlesham Road Brighton BN1 3AG		
<b><u>Applicant:</u></b>	Mr Derek Beck 165 Hollingdean Terrace Brighton BN1 7HF		

## 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	2191-PRO-011	B	01-May-26
Proposed Drawing	2191-PRO-012	E	01-May-26
Proposed Drawing	2191-PRO-013	D	01-May-26
Proposed Drawing	2191-PRO-014	E	01-May-26
Proposed Drawing	2191-PRO-015	D	01-May-26
Proposed Drawing	2191-PRO-016	D	01-May-26
Proposed Drawing	2191-PRO-017	E	01-May-26
Proposed Drawing	2191-PRO-018	D	01-May-26
Proposed Drawing	2191-PRO-019	C	01-May-26
Proposed Drawing	2191-PRO-020	C	01-May-26
Other	2191-PRO-030	B	06-May-26
Other	2191-PRO-031	A	01-May-26
Other	2191-PRO-032	A	06-May-26
Other	2191-PRO-033	A	01-May-26
Report/Statement		Design & Access	13-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. The first and second floor side-facing windows in the south elevation shown as obscure glazed on the approved drawings shall be installed prior to first occupation of the development and permanently retained as obscure glazed thereafter.  
**Reason:** To safeguard the privacy of adjoining occupiers and to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.
  
4. The development hereby permitted shall not be occupied until the cycle parking and refuse/recycling storage facilities shown on the approved plans have been fully implemented and made available for use. The approved facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure satisfactory facilities for sustainable transport and refuse storage in accordance with Policies CP8, DM33 and DM36 of the Brighton & Hove City Plan.
  
5. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. The scheme shall include the following:
  - a. details of all hard and soft surfacing to include the type, position, design, dimensions and materials and any sustainable drainage system and permeable surfacing used;
  - b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants, and details of tree pit design, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
  - c. details of all boundary treatments to include type, position, design, dimensions and materials;

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to reduce surface run-off and provide ecological and sustainability benefits, to comply with policies DM22, DM37, DM42 and DM43 of Brighton & Hove City Plan Part 2, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.
  
6. The development hereby permitted shall not be occupied until the redundant vehicle crossover to Harrington Place has been converted back to a footway by raising the existing kerb and footway.  
**Reason:** In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part 2, CP9 of the Brighton & Hove City Plan Part One.

7. The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Above Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details.  
**Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policies DM18 and DM20 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
8. Access to the flat roof areas identified as biodiverse green roofs on the approved drawings shall be for maintenance or emergency purposes only and the flat roof areas 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.
9. No extension, enlargement, alteration of the dwellinghouse(s) or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Class[es A - E] of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.  
**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies DM18 and DM21 of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One.
10. The residential units hereby approved shall not be occupied until it has achieved as a minimum, a water efficiency standard of not more than 110 litres per person per day maximum indoor water consumption.  
**Reason:** To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.
11. The photovoltaic panels and biodiverse green roof(s) shown on the approved drawings shall be fully implemented prior to first occupation of the development and shall thereafter be retained and maintained as approved.  
**Reason:** To ensure that the development incorporates appropriate sustainability and biodiversity enhancement measures in accordance with policies CP8 and CP10 of the Brighton & Hove City Plan Part One and policies DM37 and DM44 of Brighton & Hove City Plan Part Two.

12. The development hereby permitted shall not be occupied until 1no. bee brick and 3no. Swift Boxes/Bricks are incorporated within the external walls of the development and retained thereafter.  
**Reason:** To enhance biodiversity and to comply with policies CP10 of the Brighton & Hove City Plan Part One and DM37 of Brighton & Hove City Plan Part Two.
13. Prior to first occupation of the dwelling hereby approved, details of existing and predicted noise and vibration levels arising from the adjacent electricity substation together with any associated mitigation measures required to ensure a satisfactory living environment for future occupiers of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented prior to first occupation and retained thereafter.  
**Reason:** To safeguard the amenities of future occupiers and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.
14. Notwithstanding The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be constructed other than as self-build or custom build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and shall be occupied by the person/s implementing the planning approval as their sole or main residence for a period of 3 years from completion of the dwelling.  
**Reason:** To maintain control of development and to ensure development proceeds in line with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) with regards to Biodiversity Net Gain.
15. The development hereby permitted shall not be occupied until the dwelling hereby permitted has been completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and shall be retained in compliance with such requirement thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.  
**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy DM1 of Brighton & Hove City Plan Part 2.
16. Notwithstanding any details shown on the approved plans, no development above ground floor slab level of any part of the development hereby permitted shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
  - a) Samples/details of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- b) samples/details of all cladding to be used, including details of their treatment to protect against weathering
- c) samples/details of all hard surfacing materials
- d) samples/details of the proposed window, door and balcony treatments
- e) samples/details of all other materials to be used externally

Development shall be carried out in full accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies DM18 of the Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

17. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' (for new build residential development).  
**Reason:** To improve the energy cost efficiency of existing and new development and help reduce energy costs and enhance sustainability, to comply with policies DM44 of the Brighton & Hove City Plan Part Two and CP8 of the Brighton & Hove City Plan Part One.
18. Other than demolition or works to trees, no development hereby permitted shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved details.  
**Reason:** To ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policies DM42 and DM43 of the Brighton & Hove City Plan Part Two and CP11 of the Brighton & Hove City Plan Part One and SPD16: Sustainable Drainage.

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. The applicant is advised to contact the Council's Streetworks Team ([permit.admin@brighton-hove.gov.uk](mailto:permit.admin@brighton-hove.gov.uk) 01273 290729) for necessary highway approval from the Highway Authority prior to any works commencing on the adopted highway to satisfy the requirements of the condition.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level and preferably adjacent to pollinator friendly plants.
4. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative

designs of suitable swift boxes should be provided in their place where appropriate.

5. 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.
6. 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 to a vacant and irregularly shaped parcel of land located to the rear of No. 165 Hollingdean Terrace and fronting onto Harrington Place, Brighton. The site is positioned between existing residential development, ancillary structures and a substation. The site is accessed from Harrington Place. The surrounding area is characterised predominantly by two and three-storey residential properties of varied architectural forms, materials and periods, arranged within a steeply sloping urban context.

## **3. RELEVANT HISTORY**

- 3.1. PRE2025/00043 - Prior to this full application, pre-application advice was sought in relation to redevelopment of the site for residential purposes, including demolition of the existing garage and erection of a dwelling accessed from Harrington Place. Officers advised that whilst the principle of residential development was not necessarily objected to, significant concerns were raised regarding the scale, siting and design of the proposal and its relationship with the surrounding area and neighbouring properties. Officers advised that a significantly revised and more modest form of development would likely be required.

## **4. APPLICATION DESCRIPTION**

- 4.1. Planning permission is sought for the erection of a detached two-storey, two-bedroom, four-person dwellinghouse (Use Class C3) with roof accommodation and associated landscaping, covered refuse and cycle storage, photovoltaic panels, green roof features and associated works. The materials proposed include use of red brick, a brown standing seam roof and grey aluminium fenestration.

- 4.2. The proposal has undergone amendment during the course of the application following concerns raised by officers regarding the original design approach, particularly the treatment of the front and side elevations, roof form and overall visual relationship with the surrounding area. The revised scheme reduces the prominence and perceived bulk of the street-facing elevation and introduces a revised material palette including increased use of brickwork. A first floor terrace to the front was also removed from the scheme.

## 5. REPRESENTATIONS

- 5.1. Representations have been received from ten (10) people objecting on the following grounds:
- Overdevelopment of the site; site is highly constrained
  - Insufficient garden remaining for no.165
  - Excessive scale, bulk and massing
  - Harm to the character and appearance of the area
  - Contemporary design considered out of keeping with surrounding development
  - Loss of privacy and overlooking
  - Loss of outlook/overbearing impact
  - Overshadowing and loss of light
  - Loss of existing vegetation and impact on wildlife
  - Increased parking pressure
  - Highway and access concerns
  - Noise and disturbance during construction
  - Will be used as Air BnB
  - Concerns regarding drainage and land stability
  - Safety/supply/amenity concerns due to proximity to electricity substation
  - Use of shared alleyway inappropriate
  - Loss of view and property value
- 5.2. **Councillor Theresa Fowler** has objected to the proposal and requested that the application be determined by Planning Committee. A copy of her representation is attached to this report.

## 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 2023; revised October 2024);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017).

## 8. RELEVANT POLICIES & GUIDANCE

- 8.1. The National Planning Policy Framework (NPPF)

### Brighton & Hove City Plan Part One:

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP19	Housing mix

### Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

### Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, design and appearance, standard of accommodation, impact on neighbouring amenity, landscaping, sustainable transport, biodiversity and sustainability.

### **Principle of the Development**

- 9.2. Policy CP1 of the Brighton & Hove City Plan Part One sets a minimum housing provision target of 13,200 new homes for the city up to 2030. However, on 24 March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. The local housing need figure for Brighton & Hove using the standard method is 2,487 homes per year. A 20% buffer is then applied to this figure to reflect the most recent Housing Delivery Test measurement (published in December 2024) for the council being less than 85%.
- 9.3. The council's most recent housing land supply position is published in the SHLAA Update 2025 which shows a five-year housing supply shortfall of 10,442. This is equivalent to 1.5 years of housing supply.
- 9.4. As the council is currently unable to demonstrate a five-year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in paragraph 11 of the NPPF.
- 9.5. The proposal seeks the erection of a single dwellinghouse on an underutilised urban infill site located within the built-up area of Brighton in the Hollingdean and Fiveways ward. The site occupies a sustainable location within reasonable walking distance of local services, public transport routes and community facilities. Subject to compliance with other development plan policies, the principle of residential development in this location is considered acceptable and would contribute, albeit modestly, toward the city's housing supply.
- 9.6. The proposed residential development is therefore considered acceptable in principle and compliant with Policies SS1 and CP1 of the Brighton & Hove City Plan Part One.

#### **Design and Appearance**

- 9.7. Policies CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 of the Brighton & Hove City Plan Part Two require development to achieve a high standard of design which responds positively to local character, townscape and landscape setting.
- 9.8. The site is located within a varied residential context characterised predominantly by two and three-storey terraced and semi-detached dwellings of mixed architectural styles and materials. The surrounding townscape is informal in character, with a varied roofscape and stepped built form responding to the area's steep topography.
- 9.9. The proposal would introduce a contemporary detached dwelling arranged across two principal storeys with accommodation contained within the roof-space and partially recessed into the sloping site. The building would measure approximately 8.26m in height (measured from ground floor level to ridge), 5.52m in width and approximately 14.2m in overall depth, including the rear

single-storey triangular garden projection. The dwelling would provide approximately 102sqm of internal floorspace. The proposal incorporates a combination of brickwork, standing seam metal cladding, recessed glazing, green roofs and photovoltaic panels.

- 9.10. During the course of the application, substantial concerns were raised regarding the original design approach, particularly the prominence of flat roof forms, balcony and material treatment and the visual relationship of the front elevation with the surrounding street scene. Officers advised that the original scheme failed to respond positively to the established character of the area and would likely conflict with Policies CP12, CP14 and DM18 of the City Plan.
- 9.11. Following negotiations, the applicant submitted a materially revised scheme. The amendments reduced the perceived bulk and visual dominance of the front elevation, introduced a more coherent pitched roof form and amended the proposed material palette, including the replacement of render with brickwork on the prominent south-facing gable elevation. Officers consider these revisions to have significantly improved the proposal.
- 9.12. The revised scheme is considered to now read more coherently within the surrounding townscape and would better reflect the varied roofscape and vertical proportions evident within the wider area. Whilst contemporary in appearance, the proposal is not considered incongruous or harmful within this context. The use of brick as the primary facing material would also assist in visually grounding the development within the site and relating it more effectively to surrounding development.
- 9.13. The dwelling would remain visually subordinate within the wider street scene due to the sloping topography and its set-down relationship within the site. Furthermore, the fragmented and layered character of the surrounding built form means that a contemporary architectural approach can be accommodated without causing unacceptable harm to the character of the area. Whilst relatively modest, the plot size is comparable to some others in the area and is suitable for a small 2-bedroom dwelling, and the proposal maintains the established street frontage and streetscape.
- 9.14. It is noted that the site is unusual in that it is located partly behind an existing electricity substation, however the proposal is considered to make efficient and effective use of this urban site, and is considered to now represent good quality design which would deliver one additional family home for the city.
- 9.15. The proposal is therefore considered to comply with Policies CP12 and CP14 of the Brighton & Hove City Plan Part One and DM18 of the Brighton & Hove City Plan Part Two.

#### **Standard of Accommodation**

- 9.16. Policy DM1 of the Brighton & Hove City Plan Part Two seeks to secure a high standard of accommodation for future occupiers. New dwellings must comply with the Nationally Described Space Standards (NDSS).

- 9.17. The proposed development would provide a two-bedroom, four-person dwellinghouse with approximately 102sqm of internal accommodation across the building. This would comprise approximately 55.5sqm at ground floor level, 31.5sqm at first floor level and 13.3sqm within the roof-space level.
- 9.18. The proposed smaller double bedroom would measure approximately 12.3sqm, while the principal double bedroom would measure approximately 15.1sqm. Both double bedrooms would comfortably exceed the minimum NDSS (11.5 sqm) and would benefit from good levels of outlook and natural light. The dwelling would also provide bathroom facilities at both ground and first floor levels together with ample internal storage throughout. The floor to ceiling heights meet the NDSS requirements. Overall, the floorspace of the dwelling would comfortably exceed the NDSS for a 2-bed, two-storey residential unit (79sqm), whilst noting that the NDSS does not provide a standard for 3-storey 2-bed units – and in any event at 102sqm the property contains generous accommodation.
- 9.19. A key feature of the proposal is the approximately 55.5sqm open-plan kitchen/living/dining area at ground floor level which would provide a high-quality primary living space with strong visual and physical connectivity to the rear garden through large glazed sliding doors. Officers consider that the stepped arrangement of the building, generous glazing strategy and relationship with external amenity space would result in a good standard of residential accommodation for future occupiers.
- 9.20. Private external amenity space would be provided through a rear garden area measuring approximately 22.5sqm in addition to a front area of approximately 17sqm. Whilst quite small, this is considered suitable for a modest 2-bedroom dwelling and is not greatly dissimilar to other plots in the area. The space can also appropriately accommodate covered refuse and cycle storage within the front area adjacent to the entrance porch.
- 9.21. No information has been provided to demonstrate whether the adjacent electricity substation creates any noise, vibration etc. It is noted that there are already residential properties in quite close proximity to it and that the details submitted with the application suggest a highly insulated fabric-first approach to the construction of the new house. Notwithstanding, given the very close relationship and for the avoidance of any doubt, a condition requiring further details (and appropriate mitigation if necessary) is recommended to ensure a satisfactory living environment for new occupiers of the development.
- 9.22. Overall, subject to the recommended conditions officers are satisfied that the dwelling would provide a good standard of accommodation for future occupiers in compliance with Policy DM1 of the Brighton & Hove City Plan Part Two.

### **Landscaping and Biodiversity**

- 9.23. Policy DM22 of the Brighton & Hove City Plan Part Two seeks to ensure that development responds positively to landscape character and retains important landscape features where possible. Policies CP10 and DM37 seek to mitigate ecological impacts and provide biodiversity enhancements within development.

- 9.24. Concerns were raised within representations regarding the loss of existing vegetation and the impact upon wildlife associated with the site. The revised scheme seeks to retain greater levels of existing vegetation than originally proposed and incorporates new landscaping, planting beds, front and rear garden areas and green roof features throughout the development.
- 9.25. Whilst some vegetation loss would occur to facilitate the development, the proposal would retain meaningful soft landscaping within the site and would introduce biodiversity enhancements through new planting, green roof provision and bee/swift bricks. In particular, concerns were raised regarding the loss of a mature tree located toward the rear of the site which neighbouring residents note attracts birdlife and contributes positively to local amenity. Officers acknowledge that the loss of this tree is regrettable. However, the tree is not protected by a Tree Preservation Order and the site is not located within a Conservation Area meaning there are no constraints to the removal of this tree. On balance, whilst some landscape harm would arise through the loss of existing vegetation, this is not considered sufficient to warrant refusal when weighed against the overall planning benefits of the scheme and the proposed replacement landscaping and biodiversity enhancements.
- 9.26. The proposed landscaping would also assist in softening the visual appearance of the development when viewed from neighbouring sites and the surrounding area.
- 9.27. Subject to appropriate landscaping and ecological enhancement conditions, the proposal is considered acceptable in accordance with Policies CP10, DM22 and DM37 of the Brighton & Hove City Plan Parts One and Two.

#### **Impact on Amenity**

- 9.28. Policy DM20 of the Brighton & Hove City Plan Part Two seeks to ensure that development does not cause unacceptable harm to the amenities of existing occupiers through overlooking, overshadowing, loss of outlook, overbearing impacts or noise disturbance.
- 9.29. A number of objections have been received raising concerns regarding overlooking, loss of privacy, overbearing impacts and overshadowing. These concerns are acknowledged and have been carefully assessed.
- 9.30. The application site is constrained and relationships with neighbouring properties are necessarily tight. However, the proposal has undergone substantial revision during the application process to reduce its amenity impacts. The revised scheme incorporates reduced frontage massing, revised roof forms, removal of the front terrace, obscure glazed side-facing windows and stepped building forms responding to the site's topography.
- 9.31. The sectional drawings demonstrate that substantial portions of the dwelling would be partially recessed into the site, thereby reducing the apparent height and visual dominance of the building when experienced from neighbouring properties. The dwelling would measure approximately 8.26m from ground floor

level to ridge at its highest point, however the effective perceived height would be materially reduced due to the sloping topography and retained landscaping.

- 9.32. Whilst the proposal would alter the currently open outlook experienced from neighbouring properties given the presently undeveloped nature of the site, officers do not consider the resulting relationship to be unacceptably overbearing within the context of the surrounding urban grain and topography. The proposed dwelling would be set off the common boundary to the south and positioned approximately 15.3m from the rear elevation of No. 165 Hollingdean Terrace and approximately 15.9m from Nos. 5, 6 and 7 Quarry Bank Road. The relationship with No. 45 Harrington Place would be tighter, with an approximate 1m separation distance at first floor level. However, officers note that this reflects the established pattern of spacing between properties along Harrington Place, where similarly narrow gaps between dwellings form part of the prevailing built character. The side window at no.45 would still receive light and retain a degree of outlook. The submitted plans indicate that the while the ground floor projecting element would run the full length of the adjacent boundary with no.45 the built form as proposed would remain lower than the existing boundary treatment. It is also noted that the property at no.45 is on a naturally higher ground level than the application site mitigating this impact. The relationships proposed are therefore considered acceptable on balance within this dense urban context and would not result in unacceptable overbearing impacts or material loss of light.
- 9.33. In terms of overlooking, the side-facing windows have been carefully designed to minimise direct views toward neighbouring properties. The first and second floor upper level side-facing windows would be obscure glazed, as shown on the approved drawings, while the remaining side-facing openings are limited in size and arrangement and would not result in unacceptable overlooking within the surrounding urban context.
- 9.34. It is considered that the remaining garden area left to serve the occupiers of no.165 Hollingdean Terrace would be sufficient and is comparable to other rear gardens along the terrace.
- 9.35. Some concern has been expressed by neighbours about potential for noise and disturbance during construction. Any such disruption would be temporary only and, given the proposal is for a modest single dwelling only, a Construction Environmental Management Plan (CEMP) is not considered to be warranted.
- 9.36. Subject to conditions, the proposal is considered to comply with Policy DM20 of the Brighton & Hove City Plan Part Two.

#### **Sustainable Transport**

- 9.37. Policies CP9 of the Brighton & Hove City Plan Part One and Policies DM33 and DM36 of the Brighton & Hove City Plan Part Two seek to encourage sustainable travel and ensure appropriate servicing and cycle provision.
- 9.38. The site occupies a sustainable urban location with access to public transport, local facilities and employment opportunities. No off-street car parking is proposed. While concerns have been raised regarding parking pressure within

the surrounding area, the addition of a modest single dwelling in this sustainable location is not considered likely to result in severe transport impacts sufficient to justify refusal.

- 9.39. Covered cycle storage and refuse storage would be provided within the front garden area adjacent to the entrance porch in accordance with adopted standards.
- 9.40. The proposal is therefore considered compliant with Policies CP9 of the Brighton & Hove City Plan Part One and DM33 and DM36 of the Brighton & Hove City Plan Part Two.

#### **Biodiversity Net Gain**

- 9.41. The proposal comprises a single dwelling on a site measuring approximately 118sqm and therefore falls comfortably below the 0.5 hectare threshold set out within the Biodiversity Gain Requirements (Exemptions) Regulations 2024. The application form also identifies the proposal as self-build/custom build housing development. On this basis, the proposal is considered likely to be exempt from the requirement to secure mandatory Biodiversity Net Gain under Schedule 7A of the Town and Country Planning Act 1990. A condition is recommended to secure the self-build/custom build status of the development.

#### **Other Matters**

- 9.42. The proposal would incorporate sustainable measures including PV panels and a green roof, which are welcomed in accordance with City Plan policy and these, along with water and energy efficiency standards, can be conditioned. Drainage design would also be conditioned and SUDs incorporated where possible.
- 9.43. The applicant will need to have due regard to required construction practices and regulations in close proximity to the electricity substation, which would be dealt with at Building Regulation (BR) stage. Matters of structural stability and fire safety would also be part of the BR stage.
- 9.44. The application for a single dwelling (C3 use class) only. Any use as a holiday let would require further planning permission.
- 9.45. The potential for loss of views or reduced property values are not material planning considerations.

### **10. EQUALITIES**

- 10.1. Section 149(1) of the Equality Act 2010 provides:  
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 representations made by third parties, and determined that the proposal would not give rise to unacceptable material impacts on individuals or identifiable groups with protected characteristics. A condition to ensure Part M4(2) accessibility compliance is recommended.

## **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 5 October 2020.
- 11.2. The exact amount will be confirmed in the CIL liability notice which will be issued as soon as practicable following the issuing of planning permission.

## **12. CONCLUSION**

- 12.1. The proposal would introduce a single two-bedroom family dwelling within a sustainable urban location at a time when the council cannot demonstrate a five-year housing land supply. This attracts positive weight in favour of the proposal. While the development would introduce built form onto a currently open site and would alter the outlook currently experienced by neighbouring occupiers, officers consider that the revised scheme successfully addresses the more significant concerns raised during the course of the application relating to design, frontage composition and visual impact.
- 12.2. The proposal has undergone substantial amendment during the course of the application, including revisions to the roof form, frontage composition, material palette and overall visual relationship with the surrounding townscape. Officers consider that these changes have materially improved the scheme and reduced its visual prominence and amenity impacts.
- 12.3. Subject to conditions, the proposal is not considered to result in unacceptable harm to the character of the area, neighbouring amenity, landscaping, biodiversity or highway safety sufficient to outweigh the benefits of the scheme. The proposal is therefore considered compliant with the development plan as a whole.

