

<u>No:</u>	BH2026/00234	<u>Ward:</u>	Patcham & Hollingbury Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	65 Ladies Mile Road Brighton BN1 8TB		
<u>Proposal:</u>	Erection of 1no dwelling (C3) to rear of existing dwelling.		
<u>Officer:</u>	Rebecca Smith, tel: 291075	<u>Valid Date:</u>	10.02.2026
<u>Con Area:</u>		<u>Expiry Date:</u>	07.04.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	18.06.2026
Agent:	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
Applicant:	Ms Briget Haxby C/o Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

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
Location Plan	01		09-Feb-26
Proposed Drawing	02	A	20-Apr-26
Proposed Drawing	03	A	20-Apr-26
Report/Statement	Arboricultural Implications Assessment		09-Jun-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. 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) details of all brick, render and tiling (including details of the colour of render/paintwork to be used)

- b) details of all hard surfacing materials
- c) details of the proposed window and door frames (including colour of frames)
- e) details of all other materials to be used externally

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies DM21 of Brighton & Hove City Plan Part Two and CP12 of the Brighton & Hove City Plan Part One.

4. The development hereby approved shall not be occupied until refuse and recycling storage facilities have been installed as shown on the plans within the front garden and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies DM18 and DM21 of Brighton & Hove City Plan Part Two, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

5. No extension, enlargement, alteration of the dwellinghouse or provision of buildings etc incidental to the enjoyment of the dwellinghouse within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes 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 DM20 and DM21 of Brighton & Hove City Plan Part Two, and CP12 of the Brighton & Hove City Plan Part One.

6. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans 02 A received on 20th April 2026. The internal layouts shall be retained as first implemented thereafter.

Reason: To ensure an acceptable standard of accommodation for future occupiers is provided and maintained thereafter and to comply with policy DM1 of the Brighton and Hove City Plan Part Two.

7. The hard surface of the external landscaping shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policies CP8 & CP11 of the Brighton & Hove City Plan Part One and DM42 and DM43 of the Brighton & Hove City Plan Part Two and SPD16: Sustainable Drainage.

8. Prior to occupation of the development hereby permitted, a scheme for landscaping for both the new dwelling and the reduced garden for the large HMO, 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. In addition, the new dwelling should not be occupied until the approved landscaping scheme has been implemented for the existing large HMO.

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 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;
- d. biodiversity measures to improve the nature conservation of the site (e.g. use of native plants to Brighton and Hove, bee/insect habitat, water habitats). See Annex 7 of SPD11 for guidance and ideas.

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 provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part Two, and CP8, CP10, CP12 and CP13 of the Brighton & Hove City Plan Part One.

9. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted arboricultural implications statement received on the 9th June 2026 are in place and retained throughout the construction process.

The fences shall be erected in accordance with British Standard BS5837 (2012) 'Trees in Relation to Design, Demolition and Construction - Recommendations' and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Once the protection measures are in place either a site visit from the Arboricultural Officer should be requested or photographs should be submitted to and approved in writing by the Local Planning Authority with a written description of the measures in place prior to any commencement.

Reason: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to provide ecological and sustainability benefits, to comply with policies DM22 and DM37 of Brighton & Hove City Plan Part Two, and CP8, CP10 and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06: Trees and Development Sites.

10. The new dwelling hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans for the new dwelling have been fully

implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy DM33 of Brighton & Hove City Plan Part Two, and SPD14: Parking Standards.

11. The development hereby permitted shall not be occupied until the new crossover and access has been constructed.

Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part Two, and CP9 of the Brighton & Hove City Plan Part One.

12. Prior to removal of the existing cycle parking for 65 Ladies Mile Road, details of the new cycle parking will be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be implemented in accordance with the details approved, prior to the removal of the existing cycle parking, and retained as such thereafter. The cycle parking shall be secure, covered and convenient cycle parking for a minimum of 4 cycles.

Reason: In the interests of highway safety and to comply with policies DM33 of Brighton & Hove City Plan Part Two, and CP9 of the Brighton & Hove City Plan Part One.

13. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B'.

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.

14. The dwelling 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.

15. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme for such works, shall be submitted to the Local Planning Authority for approval in writing. The remediation measures shall be carried out as approved and in accordance with the approved programme.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies DM41 and DM20 of the Brighton & Hove City Plan Part Two.

16. 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 Two, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

17. 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.

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 that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.
3. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Head of Asset and Network Management. The applicant is advised to contact the Council's Streetworks Team (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.
4. The applicant is advised under Part S of the Building Regulations that new dwellings providing a parking space now require an EV charging point.

5. The applicant is advised that Part L - Conservation of Fuel and Power of the Building Regulations 2022 now requires each residential unit built to have achieved a 31% reduction in carbon emissions against Part L 2013.
6. The water efficiency standard required by condition is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting wild birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September so trees and scrub on the site should be assumed to contain nesting birds between these dates, unless a recent survey has been undertaken by a competent ecologist to show that it is absolutely certain that nesting birds are not present. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest. Planning permission for a development does not provide a defence against prosecution under this Act.
8. 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.
9. **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 is 65 Ladies Mile Road, a two-storey property on the corner of Ladies Mile Road and Ladies Mile Close. The property has a rear garden with pedestrian access onto Mackie Park. The existing dwelling at 65 Ladies Mile

Road is in use as a large House in Multiple Occupation (HMO) for seven persons.

- 2.2. The site is within a Nature Improvement Area (NIA) and adjacent to Mackie Park at the rear which is designated Local Green Space (DM38) and Open Space (CP16). The property is not listed or within a Conservation Area. There are no other heritage designations to be aware of on the site. There are no relevant Article 4 directions covering the site.

3. RELEVANT HISTORY

- 3.1. **PRE2025/00162** - Pre-application advice enquiry to seek guidance on subdivision or garden to provide 1no new dwelling with vehicle access.
- 3.2. **BH2024/02798** - Application for Approval of Details reserved by Condition 7 (Acoustic Report) of application BH2024/01772. Approved 17.12.2024
- 3.3. **BH2024/01772** - Change of use from dwellinghouse (C3) to seven-bedroom large house in multiple occupation (Sui Generis). Approved 08.10.2024

4. REPRESENTATIONS

- 4.1. Representations have been received from 7 people, objecting to the proposed development for the following reasons:
- Increased demand for parking on local roads during the build and beyond.
 - Increased noise and disturbance
 - Additional traffic and congestion particularly at school pick up/drop off.
 - Impact on turning head within Ladies Mile Close
 - Potential impacts on servicing for Ladies Mile Close (e.g. refuse and recycling collection).
 - Overdevelopment
 - Too close to boundary
 - Unneighbourly
 - Potential danger to pedestrians.
 - Disruption to park users during construction
 - Precedent set by this being approved
 - Higher density development out of character for neighbourhood.
 - Road is too narrow.
 - Loss of privacy
 - Reduced garden space for existing HMO
 - Accessibility for proposed dwelling is poor (e.g. stepped access)
 - Loss of on-street parking on Ladies Mile Road
- 4.2. Full copies of the responses received can be found online on the planning register.

- 4.3. **Councillors Anne Meadows and Alistair McNair** have objected to the application and requested that in the case of a recommendation for approval that the application be brought before the Planning Committee. A copy of their representation is attached to this report.

5. APPLICATION DESCRIPTION

- 5.1. Planning permission is sought for the erection of a dwellinghouse in the rear garden of 65 Ladies Mile Road. The proposal consists of a single storey dwelling comprised of brick and render with a pitched tiled roof and aluminium windows. The property would have two bedrooms and would be accessed via Ladies Mile Close with one off street parking space provided.

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture:** No objection

Initially an objection was raised to the application due to lack of information, specifically an Arboricultural Report. This has since been provided and reviewed. The report and method statement within is considered acceptable. Compliance with the submitted details should be sought via condition and include a requirement to provide photographic evidence or seek a site visit to confirm protection measures in place prior to commencement.

- 6.2. **Environmental Health:** No objection

Conditions are recommended to ensure that any contaminated land concerns that arise during construction are appropriately dealt with, and the applicant should consider ensuring that future occupiers are protected from unacceptable noise levels.

- 6.3. **Sustainable Transport:** No objection

Following amendments to the design of the front garden and driveway and the addition of a footway for future occupiers to access the existing crossing point into Mackie Park, the application is acceptable subject to the recommended conditions (crossover, cycle parking).

- 6.4. Full details of consultation responses received can be found online on the planning register.

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; 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
CP1	Housing delivery
CP7	Infrastructure and developer contributions
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design
CP14	Housing density
CP16	Open space

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM20	Protection of Amenity
DM21	Extensions and alterations
DM22	Landscape Design and Trees
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM38	Local Green Space
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables
DM40	Protection of the Environment and Health - Pollution and Noise

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD09	Architectural Features
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 subdividing the existing plot at 65 Ladies Mile Road, the effects on the existing large HMO, the design and appearance of the proposed dwelling, the proposed standard of accommodation, impacts on amenity and transport matters.
- 9.2. A site visit was undertaken in April 2026 which has informed the assessment detailed below.

Principle of the Development:

- 9.3. Policy CP1 of the 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%.
- 9.4. 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.
- 9.5. 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 the NPPF (paragraph 11).

Subdivision

- 9.6. As noted above, 65 Ladies Mile Road has a large rear garden. It is also set back from the pavement with a front garden and driveway. The rear garden is wider than those of other properties close by to the east.
- 9.7. Whilst the proposed plot to be created is relatively modest in scale, there are other examples of smaller plots with limited garden space within the wider locality and as such the size of the new site would not be out of character with existing pattern of development or urban grain.
- 9.8. Subject to other considerations (discussed below) such as the design and appearance of the proposed dwelling, standard of accommodation, impacts on neighbours, the highway impacts and the local environment being acceptable, the development can be supported in principle. Though it is only a gain of a single dwelling, it is a contribution to housing supply, nonetheless. The proposal would make a modest, but welcome contribution to the city's housing supply and this is considered to represent a public benefit of the scheme.

Impacts on the existing HMO at 65 Ladies Mile Road:

- 9.9. The existing HMO would continue to be accessed from Ladies Mile Road with access to the frontage unchanged through this application. The pedestrian access at the rear from Mackie Park would be lost but this is not considered to be so detrimental to the amenity of occupiers of the HMO to warrant refusal of the application. The remaining rear garden for the seven-person, large HMO would be 122sqm after the subdivision.
- 9.10. As noted above, the site in question is currently in use as a large HMO with a condition on the planning consent (BH2024/01772) limiting occupation to 7 persons. There is a further condition securing cycle parking for the HMO within a shed at the end of the garden. The shed is within the footprint of the new dwelling so would be demolished to facilitate the works. Therefore, to ensure that there is no loss of cycle parking this must be relocated within the reduced garden area for the HMO and be made available for use prior to the removal of the existing cycle parking. As no details have been set out within the application, a condition would be attached to secure new cycle parking.
- 9.11. The proposed development will change the rear garden area of the HMO. Therefore similar, to the approach set out above with regard to maintaining cycle parking facilities during the build and beyond, landscaping of the retained garden for the HMO is a matter which is recommended to be controlled by condition. It is suggested that a condition is attached requiring details of a landscaping plan for both the new dwelling and the existing HMO to be submitted prior to first occupation of the new dwelling. The landscaping should then be fully implemented for the HMO garden no later than the end of the first planting season after subdivision. This is to ensure that garden space for the HMO is retained in an acceptable manner.
- 9.12. Subject to the inclusion of the conditions described above, the impacts on the HMO would be acceptable with a garden of a reasonable size for the occupancy levels and opportunities for cycle parking.

Design and Appearance:

- 9.13. The proposed dwelling would be single storey in height with the front elevation facing Ladies Mile Close. The entrance into the dwelling would be on the north (side) elevation. Pedestrian and vehicle access would be provided to the front (west side) of the property. The existing rear access gate between 65 Ladies Mile Road and Mackie Park is shown as being retained on the plans. To the front of the property would be a planted area and car parking. Space for refuse storage and cycle parking is also shown within the front garden/driveway.
- 9.14. The dwelling would have a maximum height of 4.8m (front section) and 4.7m (rear/middle section) in height. The dwelling would be 11m deep and 8.2m wide (including entrance porch). The eaves height at the rear of the dwelling would be 2.4m.
- 9.15. It is noted that there are land level changes within the existing garden and that there is a proposed stepped access to the dwelling. Undercroft storage is provided beneath the front bedroom. As a result, the dwelling would not be wheelchair accessible.

- 9.16. All habitable rooms within the dwelling would have windows and the kitchen/living/dining space would be dual aspect. There would also be a window for the bathroom in the north elevation. The pattern and size of the windows is considered an appropriate arrangement for the dwelling.
- 9.17. The external walls of the dwelling would have a brick finish to the lower half and a rendered finish to the upper part. The roof would be tiled, and the windows and doors would be aluminium framed. This is considered to relate well to the surroundings as many of the properties on Ladies Mile Road have a lower brick course with render above and brick detailing to the walls.
- 9.18. Overall, the proposed new dwelling is considered to be of an acceptable design and scale for the size of the plot it would be on.

Standard of Accommodation:

- 9.19. Policy DM1 Housing Quality, Choice and Mix states that the council will seek the delivery of a wide choice of high-quality homes which will contribute to the creation of mixed, balanced, inclusive and sustainable communities. It also adopts the Nationally Described Space Standards (NDSS) to ensure new units deliver a minimum Gross Internal Area (GIA).
- 9.20. The proposed dwelling is a two-bedroom, three person dwelling over a single storey. The minimum floor area under NDSS for this size of dwelling is 61sqm. The proposed dwelling would have a floor area of 62.5sqm. Internally the property would have a double bedroom (11.5sqm), a single bedroom (8.3sqm), bathroom and kitchen/living and dining space. The plans indicate a built-in storage cupboard in the internal hall providing 0.7sqm of storage space. This is below the 2m required, however it is considered that further built in storage could be added to the bedrooms without reducing the room widths below the minimum set out in the NDSS guidance. Additional storage could also be added to the living space. Furthermore, there is an external store under the front bedroom.
- 9.21. The internal floor to ceiling height would be 2.3m throughout, not including the roof space. This meets the minimum requirements set out in the NDSS. The bedrooms, as shown, exceed the minimum widths for a double bedroom (2.75m) and single bedroom (2.15m) respectively.
- 9.22. As noted in the design discussion above, there are windows to all habitable spaces. The window openings shown are considered to be of a good size and capable of providing natural light, outlook and ventilation to the bedrooms and living areas within the property.
- 9.23. The rear garden for the new dwelling would be approximately 4.5m deep and 9.5m wide. The overall area for the rear garden is approximately 43.3sqm. Whilst the garden would be smaller in general than other properties in the locality, it is considered an acceptable size for the two bedroom three-person dwelling being considered. The indicative garden layout shows patio, lawn and planting areas.

- 9.24. Overall, the proposed design of this two-bedroom, three-person dwelling is considered acceptable and in accordance with policy DM1 of the City Plan Part Two.

Impact on Amenity:

- 9.25. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users. These requirements are also reflected in DM20 of City Plan Part 2. Policy DM40 addresses pollution and the environment and relevant to this application, addresses noise and disturbance.
- 9.26. The key neighbouring properties that could be impacted by the proposed development are the host property at No.65 and the neighbouring property to the east at No.67 Ladies Mile Road.
- 9.27. The proposed boundary treatment would ensure that there would not be any significant overlooking or loss of privacy from views from the garden or windows of the proposed dwelling towards No.67 or the HMO at No.65 and the proposal would be acceptable in this regard.
- 9.28. There would be sufficient separation from the proposed dwelling to No.67 and as a result it is not considered that there would be any significant harm to this property in terms of any loss of light or outlook or any overbearing or enclosing impact.
- 9.29. Whilst the side flank of the proposed dwelling would be close to the garden of the host property, the single storey form of the proposal, hipped away from the boundary would ensure that there would be no significant harm in terms of any loss of light or outlook or any overbearing or enclosing impact.
- 9.30. There is sufficient separation distance to the neighbouring properties on the western side of Ladies Mile Close to ensure that there would be no harm to amenity to these residential occupiers.
- 9.31. The proposed subdivision of the existing plot and creation of a new dwellinghouse will lead to an uplift in comings and goings and general activity at the site. However, given that the proposal is for a modest two-bedroom property it is not considered that any increase in noise and disturbance to adjoining properties would be so significant as to warrant refusal of the application.
- 9.32. It is noted that concerns have been raised regarding the loss of privacy and increased noise and disturbance arising from the HMO occupiers being more likely to utilise the patio area closer to the rear of the existing property once the rear of the garden is lost. While this might be the case, the HMO garden to the rear would still be 122sqm and it not considered that the intensification of the existing garden space would result in any significant increase in noise and disturbance to neighbouring occupiers.
- 9.33. It is considered that the reduction in garden space isn't so significant that the HMO would suffer a material loss in amenity.

- 9.34. Given the potential for further extensions and alterations to result in harm to amenity and character, a condition is recommended to remove permitted development rights for the dwelling so once built no extension or alterations to the property or outbuildings within the site would be permitted without express consent from the Local Planning Authority.
- 9.35. Overall, subject to the recommended conditions the proposed dwelling to the rear of 65 Ladies Mile Road in a subdivided plot is considered to have an acceptable impact in terms of neighbouring residential amenity.

Sustainable Transport:

- 9.36. 65 Ladies Mile Road is located in a sustainable location, with a short walk to amenities to the east on Ladies Mile Road and connections to local buses on both Mackie Avenue and Ladies Mile Road. The proposed development would result in an increase in trips to and from the site. However, no objection from the Highways team has been raised.
- 9.37. The subdivision does result in the loss of the shed within which the current cycle parking for the HMO is located. However, as noted above and set out in the conditions the details of the new cycle parking have been sought, and a timeframe is set for the cycle parking to be re-provided at the site.
- 9.38. As originally submitted the design of the access presented concerns from a highway safety perspective. The applicant has redesigned the vehicular access, narrowed the driveway and repositioned the cycle parking space and refuse and recycling. They have also added a verge to allow for pedestrian access from the dwelling to connect to the adjacent crossing point, immediately to the north of the site boundary. The crossing point connects the pavement of Ladies Mile Close to Mackie Park.
- 9.39. The proposed creation of the crossover would reduce available on-street parking in the area. However, the applicant has demonstrated that parking stress is not especially high in this area through a parking beat survey undertaken in January 2026. Any additional parking overspill would not be at a level that would result in a significant impact on the public highway.
- 9.40. Overall, subject to appropriate conditions, the development is considered to have an acceptable impact on the highway network and support sustainable transport objectives.

Trees

- 9.41. The site has trees within the boundary that will be affected by the development proposed. There are also adjacent trees on the parkland which could be impacted. The Arboricultural Officer requested an Arboricultural Assessment prior to determination to understand how the trees within and adjacent the site could be affected and what mitigation would be proposed.
- 9.42. The report has concluded that there would not be any significant impacts on trees which are considered important for local amenity and by extension to the

local landscape as a whole. The plans do include the removal of two trees along the fence line where the access would be created. These are trees 1 (Elder) and 2 (Monterey Cypress) on the Tree Protection Plan (TPP). Tree 3 (Horse Chestnut) is to be retained. The TPP also identifies areas close to the Horse Chestnut tree and the Elder (noted G1) which is in the parkland adjacent to the application site. These areas are noted as requiring supervised demolition and/or protective fencing to be in place to protect existing trees that are to be retained. The Horse Chestnut tree is considered a Category 'B' tree and the other trees on site are Category 'C' trees as per the British Standard classification,

- 9.43. The Arboricultural Officer has not raised any concerns about the assessment submitted, though they have requested that the works should be carried out in accordance with the methodologies within the report and that compliance with the Tree Protection Plan is demonstrated by either the submission of photographs or a site visit by the Arboricultural Officer prior to any commencement of development, including demolition.

- 9.44. Subject to the recommended conditions, the impacts on trees are considered acceptable.

Sustainability:

- 9.45. City Plan Part One Policy CP8 requires new residential development to demonstrate efficiency in the use of water and energy, setting standards that mirror the national technical standard for water and energy consumption. Therefore, conditions are recommended to ensure the development meets those standards.

Other Matters Including Those Raised in Representations:

- 9.46. A condition seeking the inclusion of at least one bee brick within the external walls will be attached to the recommendation to improve nature outcomes and accord with policy CP10 of the City Plan Part One and SPD11.
- 9.47. The Environmental Health Officer has noted that there are no known land contamination concerns with regard to the application site. However, they have suggested a condition to ensure that if any contamination is discovered on site this is dealt with appropriately and the Local Planning Authority is notified prior to works continuing on site.
- 9.48. Representations made on the application have raised concerns about noise and disruption during construction. This is considered to be a temporary impact from construction required to implement the development and is not considered a material planning consideration in this instance. The Local Planning Authority does not consider it reasonable to require a Construction Environmental Management Plan (CEMP) given the small scale of the proposal. In regard to noise from construction, this is something that has separate controls under the Environmental Protection Act. Should construction noise or hours be unreasonable then the council's Environmental Health team could investigate and take action if deemed necessary. Considerate construction hours are detailed on the Council website.

Biodiversity Net Gain

- 9.49. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the Town and Country Planning Act because it is a self-build/custom build application.

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. CIL Form 7 had been submitted with the application claiming an exemption under 'self-build'. 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.