

<u>No:</u>	BH2025/02058	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	31 Eldred Avenue Brighton BN1 5EB		
<u>Proposal:</u>	Erection of four storey 3no bedroom dwelling (C3) adjacent to existing dwelling incorporating new vehicular crossover.		
<u>Officer:</u>	Steven Dover, tel: 01273 291380	<u>Valid Date:</u>	19.09.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14.11.2025
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	09.09.2026
<u>Agent:</u>	Claire Haigh Associates Ltd 9 Kenton Road Hove BN3 4PG		
<u>Applicant:</u>	Mr Stephen Bolton 31 Eldred Avenue Brighton BN1 5EB		

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
Proposed Drawing	CH1301-007	B	14-Jul-26
Proposed Drawing	CH1301-008	B	14-Jul-26
Proposed Drawing	CH1301-009	C	14-Jul-26
Proposed Drawing	CH1301-010	A	14-Jul-26
Proposed Drawing	CH1301-006	B	11-Mar-26
Report/Statement	Preliminary Ecological Appraisal	002	27-May-26
Arboricultural Report	ARBORICULTURAL METHOD STATEMENT		15-Dec-25
Location and block plan	CH1301/001	A	18-Sep-25
Proposed Drawing	CH1301/005	A	18-Sep-25

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. 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 of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) details of any cladding to be used, including details of their treatment to protect against weathering
- c) samples of all hard surfacing materials
- d) details of the proposed window, and door treatments
- 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 DM18, DM21 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.

4. 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.

5. The dwelling hereby approved shall be implemented in strict accordance with the internal layouts detailed on the proposed floorplans CH1301/006 B received on 11th March 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.

6. 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.

7. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented 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 2, 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.
8. The development hereby permitted shall not be occupied until a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to occupation of the development and shall thereafter be retained at all times.
Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies DM18, DM21, of Brighton & Hove City Plan Part 2, and CP12 of the Brighton & Hove City Plan Part One
9. 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.
10. The development hereby permitted shall not be first occupied until the new/extended 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 2, and CP9 of the Brighton & Hove City Plan Part One.
11. 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.
12. Prior to 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 used;
- b. a schedule detailing sizes and numbers/densities of all proposed trees/plants including food-bearing plants and mitigation planting for the removed trees and hedge, 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;

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 comply with policies DM22 of Brighton & Hove City Plan Part 2, and CP12 and CP13 of the Brighton & Hove City Plan Part One

13. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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 2, and SPD14: Parking Standards.

14. The development hereby approved should achieve a minimum Energy Performance Certificate (EPC) rating 'B' for new build residential.

Reason: To improve the energy cost efficiency of existing and new development and help reduce energy costs to comply with policy DM44 of the Brighton & Hove City Plan Part Two.

15. None of the residential units hereby approved shall be occupied until each residential unit built 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.

16. The development hereby permitted shall not be occupied until the dwelling(s) hereby permitted have 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.

17. The development hereby permitted shall not be commenced (including demolition and all preparatory work) until the protection measures identified in the submitted Arboricultural Method Statement received on the 15th December 2025 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.

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 2, and CP8, CP10 and CP12 and CP13 of the Brighton & Hove City Plan Part One and SPD06:Trees and Development Sites.

18. No development shall take place, including any site preparation works involving machinery, breaking of ground, demolition and vegetation clearance, until an updated survey for the presence of badgers (within the site and adjacent land within 30m where applicable) has been undertaken, in accordance with best practice, and submitted to and approved in writing by the local planning authority. Where the survey results indicate presence not previously considered/identified and/or that changes have occurred, that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: Badger sets have been identified adjacent to the site. To ensure surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to comply with policy CP10 of the Brighton and Hove City Plan Part One.

19. All ecological measures and/or works should be carried out in accordance with the Preliminary Ecological Appraisal (Arun Ecology, 25/03/2026, Revision 002), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, to protect species and habitats from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the

Conservation of Habitats and Species Regulations 2017, as amended and in accordance with CP10 of the Brighton and Hove City Plan Part One

20. No development shall take place until an Ecological Design Strategy (EDS) addressing ecological compensation and enhancement, has been submitted to and approved in writing by the local planning authority. Measures should be informed by and in broad accordance with the Preliminary Ecological Appraisal (PEA, Arun Ecology, 25/03/2026, Revision 002). The EDS shall include the following: extent and location / area of proposed works on appropriate scale maps and plans; type and source of materials to be used where appropriate, e.g. native species of local provenance; and details of any initial aftercare and long-term maintenance and monitoring/remedial measures, where applicable.

The EDS shall be implemented in accordance with the approved details.

Reason: To ensure provision of measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the NPPF (December 2024) and policy CP10 of the Brighton and Hove City Plan Part One.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) identification of "biodiversity protection zones", including for protection of retained habitat and the adjacent Withdean and Westdene Woods Local Nature Reserve and associated species;
 - b) the times during construction when specialist ecologists need to be present on site to oversee works, including clearance of any habitat suitable for protected species where applicable;
 - c) responsible persons and lines of communication;
 - d) the role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person;
 - e) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated in accordance with CP10 of the Brighton and Hove City Plan Part 1

22. 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.

23. The rooflights in the south roof slope elevation of the development hereby permitted shall be obscure glazed, and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.

24. The photovoltaic panels 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 enhancement measures in accordance with policy CP8 of the Brighton & Hove City Plan Part One and policy DM44 of Brighton & 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.
2. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.
3. The applicant is reminded that all species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Under the Regulations, it is an offence to: deliberately kill, injure, disturb or capture bats; damage or destroy their breeding sites and resting places (even when bats are not present); or possess, control of transport them (alive or dead). Under the Act, it is an offence to intentionally or recklessly: disturb bats while they occupy a structure or place used for shelter or protection; or obstruct access to a place of shelter or protection. Planning consent for a development does not provide a defence against prosecution under these Regulations or this Act.
4. 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.

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 occupied by a two-storey detached dwellinghouse on the western side of Eldred Avenue, opposite the junction to The Deneway. The topography of the site rises sharply from east to west, there is a more gentle incline on the street from south to north. This section of Eldred Avenue is characterised by two-storey properties which range in style, form and materials with some detached and some semi-detached. A sense of consistency on this side of Eldred Avenue comes from the building lines which are set back from, and sit above the highway. This gives the streetscene a verdant and spacious character.
- 2.2. The rear of the site borders the eastern end of Westdene Woods Local Nature Reserve (LNR) designated as Open Space within the Brighton & Hove City Plan Part One.

3. RELEVANT HISTORY

- 3.1. **PRE2024/00167** Extension to existing house and subdivision to provide additional dwelling and construction of a further detached dwelling to the side of the existing house. Advice issued 28.10.2024
- 3.2. **BH2023/02536** Erection of new house (C3) on land to rear of existing dwelling incorporating new vehicular crossover. Refused 28.03.2024 for the following reasons:
1. The dwellinghouse is considered unacceptable in appearance due to its form, siting, fenestration, and materiality resulting in it appearing as a dominant, discordant addition to the site and streetscene. It would fail to integrate successfully into its backland, sylvan setting framed by the border of the Westdene Woods Local Nature Reserve, presenting instead as a dark, square insertion into the terrain, lacking in diverse detailing and featuring irregular window placement. As such, it would be contrary to policies CP12 of the Brighton and Hove City Plan Part One, and DM18 of the Brighton & Hove City Plan Part Two, which together aim to secure high quality development that enhances the character of the built environment.
 2. The dwellinghouse, by reason of its scale, positioning, height, and the placement of fenestration, would have an unacceptable impact on the residential amenities of local residents by appearing overbearing from within the rear garden of no.31 Eldred Avenue, and causing loss of privacy within the rear gardens of nos.29 and 31 Eldred Avenue. As such, the development would be contrary to policy DM20 of the Brighton & Hove City Plan Part Two, which seeks to safeguard the amenities of local residents.
 3. Insufficient information has been submitted to demonstrate that the development would have an acceptable impact on ecology, including protected species, contrary to policies CP10 of the Brighton & Hove City Plan Part One, and DM37 of the Brighton & Hove City Plan Part Two.

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for the erection of four storey three-bedroom dwelling (C3) adjacent to the existing dwelling at 31 Eldred Avenue within the existing side garden of the existing property. The development would incorporate a new vehicular crossover and parking space in the front curtilage of the property and a rear garden
- 4.2. The application has been amended during the consideration process to address design concerns relating to the roof of the new building and the front and side dormers originally proposed have been omitted from the scheme. The scheme has also been reduced from a 4-bedroom house to a 3-bedroom house and changes have been made to the front curtilage of the new house. Further drawings were submitted to change the proposed materials for the site.

5. REPRESENTATIONS

- 5.1. **Twelve (12)** representations have been received objecting to the application for the following reasons:
- Traffic and highways
 - New driveway on dangerous junction and close to bus stop
 - The surrounding roads are overly parked, obstruction to vehicles
 - Poor design
 - Overshadowing and loss of light
 - Too close to boundary
 - Noise
 - Inappropriate height of development
 - Loss of trees and protection of retained trees doubtful
 - Over-development of the site
 - Impact through construction relating to assess, subsidence, damage to shared boundaries
 - Overlooking and loss of privacy
 - Out of character / visually intrusive
 - Loss of view
- 5.2. A copy of the representations can be found on the Planning Register

6. CONSULTATIONS

Internal:

- 6.1. **Arboriculture Team:** Verbal comments: No Objection
3 Trees and a cypress hedge to be removed. Mitigation landscaping is required and tree protection measures outlined in the Arboriculture Method Statement are required.
- 6.2. **Ecology:** No objection
Conditions are required to implement the measures of the updated Preliminary Ecology Assessment (PEA), a badger survey prior to commencement of development, and for an Ecology Design Strategy (EDS)
- 6.3. **Environmental Health:** No objection
A Noise assessment is required and planning conditions to manage cumulative exposure for future occupiers.
- 6.4. **Transport Team:** No objection
Further details required for cycle parking. New crossover, hard surfaces, and boundary treatment conditions area required.

External

- 6.5. **East Sussex Fire and Rescue:** No Comment
General information submitted regarding Fire Safety
- 6.6. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013 updates 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
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP13	Public Streets and Spaces
CP14	Housing density
CP16	Open Space
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
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
DM40	Protection of the Environment and Health - Pollution and Nuisance
DM42	Protecting the Water Environment
DM43	Sustainable Drainage
DM44	Energy Efficiency and Renewables

Waste & Minerals Plan Policy

WMP3e	Waste Management in New Development
WMP3d	Site Waste Management Plan

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SDP06	Trees and Development Sites
SPD11	Nature Conservation & Development
SPD14	Parking Standards
SPD16	Sustainable Drainage
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations relating to the determination of this application are the principle of the proposed development, design and the impact upon the character and appearance of the surrounding streetscene, the impact on neighbouring residential amenity, the standard of accommodation proposed, and sustainability, biodiversity and highways implications.

Principle of the development

- 9.2. The provision of one dwelling to the side of the existing house would make a welcome contribution to the housing target.
- 9.3. Policy CP1 in 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).

Design and Streetscene considerations

Subdivision of the plot

- 9.6. This section of Eldred Avenue is a mix of semi-detached and detached two storey properties, and the plot widths vary accordingly. The application site is above average in terms of the width of the plot and has a larger than typical gap between the south elevation of the existing house, and the neighbour to the south at 29 Eldred Avenue. At pre-application stage, it was considered that the principal of subdividing the width of the plot at no.31 Eldred Avenue was acceptable as the resulting plot sizes would not appear out of character with the area and be commensurate with other plots in the locality.
- 9.7. Nevertheless, the narrower plots in the vicinity relate to semi-detached properties rather than detached properties and therefore a new detached house in a narrow plot would have a different relationship with its surroundings. This requires more careful design consideration as discussed below. In terms of density, policy CP14 states development will be permitted at higher densities than those typically found in the locality where the development exhibits good design, contributes to character and sense of place, and would be in a sustainable location. The development for one additional dwelling on this plot would be comparable with the general densities seen in this suburban area.
- 9.8. Overall however the width of the plot is not considered to be harmfully out of character with the surrounding area where plot widths are comparable, particularly to the north of the site.

Design and Appearance

- 9.9. The proposed site is a relatively prominent one, being located opposite the junction with The Deneway. The separation distance between the side elevation of the existing house and the new detached house would be approximately 1.3m. This does result in development in very close proximity at the southern end of the site, however this is partially mitigated by the ridge line of the house sitting below that of the existing building following the general slope of land levels.
- 9.10. The eaves of the new house would be very marginally higher than the main house, and whilst preference would be for this to be lower this variation would not be highly noticeable. Following the receipt of the amended plans during the application, the front and side dormers were removed which assisted in simplifying the form to allow the proposal to assimilate better. The proposed hipped front roof would follow the prevailing character of hipped roofs in the road and also serves to minimise and reduce the bulk of the property at roof level.
- 9.11. Whilst there is variation in the form of the design, due to the change in land levels within the street scene and the variation in property style and type, there is little consistency in gaps between properties and also the general position of fenestration on the front elevations these properties. For these reasons the minor variations in style, form and spacing of the proposal is considered to be acceptable.

- 9.12. Representations received in response to the application with regards to the design and proportions of the new dwelling are noted. Due to the width of the plot, the design of any new house in this location would be constrained by the need to balance the tight width of the site, and the need to ensure a front elevation which is in keeping with the street scene. Officers are content that the subdivision of the plot is acceptable, and it is also reasonable for the development to seek to stagger the ridge line with the heights of the properties either side; a lower height would appear awkward and incongruous. Nevertheless, because of the width of the plot, and the proposed height of the dwelling, this approach would undoubtedly give the front elevation of the property vertical proportions which, to some extent, contrast with the horizontal proportions of neighbouring houses in the immediate vicinity of the site. These vertical proportions are also exacerbated by the provision of a lower ground floor level for the new house.
- 9.13. Having regard to the discussion above, it is therefore acknowledged that the new house is towards the maximum acceptable for the site coverage and scale. Nevertheless, the application proposes a new family house in this location and taking into account the constraints of the site, on balance, it is considered that the design approach is acceptable in this instance.
- 9.14. Looking at the side and rear elevations of the development, these would be simple in form and appearance with no windows on the side elevations and large areas of render, designed in this manner to primarily reduce the potential for overlooking or perceived overlooking of the existing neighbours' properties. Due to the set back of the site from the main road and the proximity of neighbouring properties the visibility of the side elevations in the wider public realm is limited, and therefore the development proposal is considered an acceptable design. Rooflights on both side roof slopes are proposed and solar panels are proposed on the south facing roof slope. However, with the relatively close proximity of the new house with the building to the south, the southern roof slope would not be significantly dominant in the street scene and these installations are considered to be acceptable.
- 9.15. With regard to materials, it was expressed at pre-application stage that any new house should have finishes informed by the existing building. The initial drawings did not show this approach. Grey brickwork, grey fenestration and grey tiling with white render were originally proposed and it is acknowledged that these materials are becoming more popular in suburban locations where people wish to modernise their houses. Indeed, examples of these materials can be seen in other locations on Eldred Avenue and in the surrounding area, but they are not considered to be characteristic of the area. Given that the development would have proportions and elements of the design which are not wholly in character with the area, it is considered that materials should reference those prevailing in the immediate vicinity to help to anchor the development in the locality. Therefore, revised drawings showing a palette of earthy tones for the brickwork and tiling, and white window frames have been submitted which is more appropriate. The samples of the revised external materials proposed for the development shall be secured by condition.

Landscaping

- 9.16. As the land levels rise above that of the road, the front garden, and any side gardens contribute to an open feeling to the street scene. The development would result in a loss of soft landscaping and trees which currently form the side garden of 31 Eldred Avenue. The new house would include a single car parking space and a notable proportion of the front curtilage of the property would be paved to facilitate this. A dwarf front boundary wall would occupy the remainder of the front boundary with a landscaped area behind. In addition, the loss of trees and hedgerow to facilitate the development is regrettable. However, the Arboriculture Team have not objected to the development. An Arboriculture Method Statement (AMS) has been submitted showing how the retained trees can be protected, a condition is recommended to ensure such protection is provided during construction. A robust landscaping condition with compensatory planting can offer adequate mitigation and the street scene in the immediate vicinity of the site is relatively verdant, and appropriately mature replacement planting would be expected to compensate for the loss of trees. This is proposed to be secured by condition.
- 9.17. Overall, in terms of the design and appearance of the development, it is acknowledged that the plot is narrow, and the formation of new house in this location would give the site a developed appearance. However, it is considered that with the consistent building lines, and staggered ridge heights, the visual relationship between the new property and the adjacent properties is broadly acceptable. With careful consideration of landscaping and materials, it is considered that the impact on the wider streetscene would be acceptable. The development is considered on balance to be in accordance with the objectives of policies DM18 of the City Plan Part Two and CP12 and CP14 of the City Plan Part One which collectively aim to ensure development respects the character of areas and raise standards of design across the city.

Impact on Neighbouring Amenity

- 9.18. The proposed development would impact upon the amenities of residents of nos. 29, 31 and Eldred Avenue. The site would be developed by a significantly sized dwelling, rising close to the shared boundaries of site of both these dwellings.
- 9.19. With the separation distance between the side of 31 Eldred Avenue and the side elevation of the new house approximately 1.3 metres, the development represents a relatively tall development in very close proximity to the boundary. However, the building line of the new house, mirroring that of the host property would ensure that the principal outlook from this property would not be significantly impacted. There are side windows on 31 Eldred Avenue which would be shadowed by the development and have light levels restricted. However these windows are confirmed as secondary windows serving habitable rooms, which have primary windows to the front and/or rear elevations therefore no significant harm would be caused to the existing residents.
- 9.20. The new house would contribute to a sense of enclosure to the existing adjacent garden spaces but given that the scale of the dwelling and the

building lines are considered comparable, it is not considered that the property would be unduly overbearing on these spaces. And any additional overshadowing of garden spaces would only impact a small proportion of the garden.

- 9.21. In regard to impact on the property to the south, no.29 Eldred Avenue the separation gap would be approximately 2.8 metres to this property which is on slightly lower ground level to the application site. Again, habitable rooms in this property are not likely to be greatly impacted by the development, but given the front and rear building lines largely following through, the height of the construction, ground level change, and the proximity to the boundary it would result in a development which would reduce the view from side windows and garden spaces for this property, however the outlook is still considered acceptable in context with the main windows to the front and rear unaffected, and the majority of the rear garden. The general relationship between the new property and no.29 Eldred Avenue would not be unusual for a suburban location, and although some overshadowing of the side elevation and parts of the rear garden are anticipated early in the day, as the new dwelling is located to the north of No.29 Eldred Avenue no significant harm is expected.
- 9.22. In regard to overlooking and privacy of the two neighbouring properties, the new property would have rear facing windows, which would provide outlook over the adjoining gardens, however the overlooking of the rear garden spaces would not be significantly more than the mutual overlooking of garden spaces from existing first floor windows in 31 and 29 Eldred Avenue. Loss of privacy into habitable rooms are not an issue for this development. Two rooflights are proposed for each of the side roof slopes of the new house. By their nature, rooflights direct views skywards. On the south side roof slope these are shown to be obscured glazed. There is an existing roof level window on 29 Eldred Avenue and to protect from any loss of privacy obscured glazing can be secured by condition.
- 9.23. The proposed development is not anticipated to result in unacceptable noise nuisance for any existing residents. A general up lift in activity from an additional dwelling can be expected however it is not considered that the increased movements, or occupation of one additional dwellinghouse would result in a significant increase in noise and disturbance for adjoining occupants.
- 9.24. A significant proportion of the existing side and rear garden space of 31 Eldred Avenue would be divided to form the new garden space for the new dwelling, however it is considered that the remaining garden space retained for the main property would be sufficient and the living conditions of the occupiers would not be significantly harmed in this regard.
- 9.25. Overall, whilst the development would have an impact on the amenity of adjoining properties, the relationship between the new dwelling and the properties either side is considered acceptable and the development would not be overbearing or enclosing to an unacceptable degree.

Standard of Accommodation:

- 9.26. Policy DM20 of the CPP2 seeks to ensure a good standard of amenity for future occupiers of the proposed development and this requirement is one of the core planning principles of the NPPF. Indeed, the updated NPPF requires that all developments provide a 'high' standard of accommodation. This is reflected in Policy DM1 which also adopts the Nationally Described Space Standards (NDSS) for new dwellings.
- 9.27. The submitted information shows that the new residential unit would meet minimum standards in relation to the NDSS. The submitted plans show the property would have a Gross Internal Area (GIA) of approximately 186m² which would exceed the GIA required for a 3-bedroom, 5-person unit over 3 storeys, which is 99sqm. No standard GIA requirement is given for a 4-storey development as proposed, but as the proposal would be far in excess of the 108sqm requirement for a 3 storey development it is considered acceptable. The lower ground floor of the property would provide a gym/store and office. The ground floor would be an open plan kitchen and living space and ground floor WC and utility room, with access to the rear garden would be via bifold doors. The first floor would deliver 2 bedrooms both with ensuite shower rooms and the top floor would have one bed spaces and a bathroom.
- 9.28. The general layout would provide suitable natural light, ventilation and outlook to principal rooms in the new property. The first floor bedrooms would exceed the NDSS standard of 11.5sqm for a double bed space. The top floor would have sloping ceilings, given the development would be within the roof space, however, the room size is suitable for a single bedspace with over 7.5sqm of suitable height floorspace and a large amount of additional storage areas under 1.5m in height, with a total floorspace in excess of 18sqm. The proposed floor to ceiling clearances of the development would be suitable with the main areas all in excess of 2.3m in height.
- 9.29. Policy DM1 states that all new residential development will be required to provide useable private outdoor amenity space appropriate to the scale and character of the development. The new house would benefit from a rear garden which would meet these objectives as the rear amenity is considered proportionate to the size of the dwelling.
- 9.30. Policy DM40 of CPP2 addresses development and the environment, and relevant to this application is noise and disturbance to future residents. The Environmental Health Team have not objected to the development but comment on the need for a noise condition to protect future occupants from the risk of a noise nuisance. This request has not been fully explained. The application site is not considered particularly vulnerable to noise nuisance being adjacent to two residential houses. A condition relating to noise assessment requirements is not considered justifiable in this instance. Standard soundproofing would be provided through Building regulations.
- 9.31. Overall, the development would provide a good-sized unit which meets the NDSS and policy objectives of DM1, DM20 and no conflict with DM40 of the Brighton and Hove City Plan Part 2 has been identified.

Sustainable Transport and Highways considerations

- 9.32. Representations made on the application reference concerns around car parking on the highway and highway safety. The Transport Team have been consulted on the application and raise no objection the amended plans.
- 9.33. SPD14 states a maximum of 1 on-site car parking space for this development. The plans indicate space for 1 car, which complies with the maximum and is acceptable. The proposal includes the creation of a new vehicle crossover on Eldred Avenue. The Transport Team raise no objection to the construction of this crossover subject to the standard New Crossover condition, and this element of the scheme would also be subject to a vehicle crossover application, which is separate to the planning application process. The site is located in close proximity to the Eldred Avenue and Deneway junction however the Transport Team note that this location is a low-speed and low-traffic area and therefore there are no highway safety concerns.
- 9.34. SPD14 states a minimum of 2 cycle parking spaces for this development. The plans indicate cycle parking at the front of the house which is acceptable in principle subject to further details. Amended plans were received during the consideration process to better separate the vehicle and pedestrian access through the front curtilage of the property. The Transport Team raise no objection to the revised plan.
- 9.35. There would be an increase in trips as a result of the proposed development, but this is unlikely to have a significant impact on the public highway capacity. With the development providing the maximum parking for the site, it is not considered that displaced parking to surrounding roads would be a significant issue for this site. Although it is noted that on-street car parking in the area is at a relatively high level, and Transport Team are content that the development would not provide additional highway obstruction or a safety hazard. The site is served by a bus stop in close proximity and therefore accessible to sustainable transport options.
- 9.36. Lastly the Transport Team note that surface run off from the hardstanding to the highway would be unacceptable. An alternative provision for surface water would be required, and this can be secured by condition through a sustainable drainage condition.

Sustainability and Energy Efficiency

- 9.37. New residential development should meet the requirements of CPP1 Policy CP8 and CPP2 policy DM44. The amendments to Part L of the Building Regulations have introduced a requirement for new residential development to achieve a 31% reduction in CO2 emissions compared to previous standards, which supersedes the requirements for a minimum 19% reduction in CPP1 Policy CP8. The development would be required to use a Sustainable Drainage Strategy (SuDS) and this can be submitted for approval by way of a pre-commencement condition. CPP2 Policy DM44 requires newbuild residential to achieve a minimum Energy Performance Certificate (EPC) rating

'B', this can be secured by condition as can the standard water efficiency condition relating to new build development.

Waste Management

- 9.38. Policy WMP3a of the Waste and Minerals Plan requires proposals for new development to identify the location and provision of facilities intended to allow for the efficient management of waste the location of bin stores and recycling facilities. The Transport Team have also commented on the need for this facility to be well positioned. Designated space is shown in the front curtilage of the property which is considered acceptable.

Ecology, Trees and Biodiversity

- 9.39. Policy CP10 of Brighton & Hove City Council's City Plan Part One states that all development proposals should conserve biodiversity, protecting it from the negative indirect effects of development; provide net gains for biodiversity wherever possible and contribute positively to ecosystem services, by minimising any negative impacts and seeking to improve the delivery of ecosystem services by a development. Policy DM37 of the City Plan Part Two states that development proposals will be required to demonstrate that they safeguard and/or contribute positively to the existing multifunctional network of Green Infrastructure.
- 9.40. Plans show that the new dwelling would be within 30 metres from the boundary with the Withdean and Westdene Woods Local Nature Reserve (LNR). The LNR lies adjacent to the western and northern boundary of the site. Other than measures such as new boundary fencing and biodiversity enhancements, the garden adjacent to the LNR will largely be retained as existing. Studies have also identified a badger set within the LNR.
- 9.41. A Preliminary Ecological Appraisal (PEA, Arun Ecology, 25/3/2026 rev002), was undertaken. The site comprises an existing vegetated garden, the majority of which comprises short sward modified grassland, with additional flower beds and bushes. There is also a section of non-native ornamental hedgerow (H1) and various scattered trees. The PEA states that H1 and T3 (wild cherry) will be removed, however as noted above, the Arboriculture Method Statement states that two further trees (T1, silver birch and T2, purple leaved plum) would also be removed. The Arboriculture Team raise no objection to this. Representation on the application has been made concerning the protection of existing trees on site which are of high amenity value and shown to remain. The Arboriculture Team are content with the findings of the AMS and the protection method advocated to protect retained trees, subject to a condition requiring measures in place prior to development commencing.
- 9.42. The mitigation measures recommended in the PEA are supported by the Ecologist and should be implemented via condition. The PEA identifies low bat roost potential, and the PEA was updated to include precautionary works to reptiles (sensitive clearing of the site). The PEA states the one bat box, one bird box, 3 swift bricks and one bee brick is required. This meets current policy expectations under DM37 and can be secured under the PEA implementation condition. In addition, the Ecologist has recommended that protection barriers

should be implemented during works, to ensure that areas outside of the construction footprint and adjacent to the LNR are adequately protected (including from storage, vehicle tracking etc.) This should be confirmed within a wider Construction and Environmental Management Plan (CEMP) for biodiversity.

- 9.43. The application contains a Biodiversity Net Gain (BNG) assessment and Biodiversity Metric. It was confirmed later in the consideration process that the development would be a self-build, and therefore statutory BNG would not apply. Notwithstanding this, the obligations of the applicant for habitat enhancement, and measures for protected species are still required. Ecologist has suggested an Ecological Design Strategy (EDS) for the implementation of measures site wide.

Other Matters Raised in Representations

- 9.44. Matters relating to the impact of the construction of the development on neighbouring occupiers, including noise and access are not determining issues for this type of development. Although the Environmental Health Team have referenced a Construction and Environmental Management (CEMP) in their consultation response, the scale of the development is minor, without large demolition and site is not considered particularly sensitive in terms of access. A CEMP for biodiversity only has been included as a condition to the development.
- 9.45. Considerations in relation to subsidence or property damage are not material planning considerations to be considered under this planning application and are private civil matters, however the development would be required to meet building regulations and would have to meet the requirements of the Party Wall Act, (a private agreement between affected parties).
- 9.46. Loss of view is not a material planning consideration, however the impact of the works on outlook has been fully assessed. The impact of the development on residential amenity has been fully assessed in the relevant section of this report.

10. CONCLUSION

- 10.1. The proposal to form an additional unit on the site is accepted in principle and would deliver a much-needed family home in a sustainable location. The design of the development is considered on balance to be acceptable and would not result in significant harm to the character and appearance of the site, or wider street scene. The development would not cause significant harm to the residential amenity of neighbouring properties, and the amended plans are considered satisfactory from a highway perspective. Planning conditions can secure the relevant standards in terms of accommodation, biodiversity, energy and water are met. Approval is therefore recommended.

11. BIODIVERSITY NET GAIN

- 11.1. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it has been identified 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).

12. EQUALITIES

- 12.1. 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.
- 12.2. 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.
- 12.3. A condition to ensure Part M4(2) accessibility compliance is recommended.

13. COMMUNITY INFRASTRUCTURE LEVY

- 13.1. Under the Regulations of the Community Infrastructure Levy (CIL) 2010 (as amended), Brighton & Hove City Council adopted its CIL on 23 July 2020 and began charging on all CIL liable planning applications on and from the 5 October 2020. The exact amount would be confirmed in the CIL liability notice which would be issued as soon as it practicable after the issuing of planning permission, if granted.

